

EXHIBIT 1

In The Matter of:

*Hansen v.
311 Boyz*

VIDEOTAPED DEPOSITION OF:

*Christopher Farley
September 9, 2005*

*Associated Reporters of Nevada
Certified Court Reporters
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Word Index Included

Christopher Farley Volume 1 September 9, 2005

Page 1	Page 3
<p>1 DISTRICT COURT 2 CLARK COUNTY, NEVADA 3 4 STEPHEN TANNER HANSEN, individually) 5 CRAIG LEFEVRE, individually, JOSEPH) 6 GRILL, individually, CARMA MAHN and) 7 EDWARD MAHN individually and/or as) 8 parents of STEPHEN TANNER HANSEN;)CASE NO. A497445 9 CLARK & STACEY LEFEVRE, individually)DEPT. NO. XI 10 and/or as parents of CRAIG LEFEVRE;) 11 and THOMAS GRILL individually and/or) 12 as parent of JOSEPH GRILL,) 13 14 Plaintiffs,) 15 16 vs.) 17 18 311 BOYZ also known as STEVEN GAZLAY,) 19 individually; JEFF HART, individually;) 20 CHRISTOPHER FARLEY, individually;) 21 MATTHEW COSTELLO, individually;) 22 ANTHONY GALLION, individually; SCOTT) 23 MORSE, individually; ERNEST BRADLEY) 24 AGUILAR, individually; DOMINIC) 25 HARRIMAN, individually; CHRISTOPHER) MORGAN, individually; BRYAN BUSHY,) individually; JARED ROSE,) individually; MIKE ARNOLD,) individually; and all members of the) 311 BOYZ; LES ROSE, individually;) MICHAEL FLANK, individually; BRENDA) FLANK, individually; HELEN) CONSTANIDES, individually; TERRIBLE) HERBST, INC., a Nevada corporation;) and DOES I through 100; and ROE) CORPORATIONS, 1-10,) Defendants.) VIDEOTAPED DEPOSITION OF CHRISTOPHER FARLEY</p>	<p>1 APPEARANCES: 2 For Tanner Hansen: JEROME BOWEN, ESQ. 3 the Grills and Bowen Law Office 4 the Mahns 7465 West Lake Mead Boulevard, #270 5 Las Vegas, Nevada 89128 6 For the Lefevres: WM. KERRY SKAGGS, ESQ. 7 Benson, Bertoldo, Baker & Carter, 8 Chartered 9 7408 West Sahara Avenue 10 Las Vegas, Nevada 89117 11 For Bryan Bushy: TROY ATKINSON, ESQ. 12 McCormick, Barstow, Sheppard, 13 Wayte & Carruth, LLP 14 3900 S. Paradise Road, Suite 201 15 Las Vegas, Nevada 89109 16 For Ernest Aguilar: BRYCE BUCKWALTER, ESQ. 17 Prince & Keating, LLP 18 3230 South Buffalo Drive, #108 19 Las Vegas, Nevada 89117 20 21 For the Flanks: CHRISTINA MALLATT, ESQ. 22 Lewis, Brisbois, Bisgaard & 23 Smith, LLP 24 400 South Fourth Street, #500 25 Las Vegas, Nevada 89101 26 27 For Scott Morse: TRACEY HOWARD, ESQ. 28 Gentile & Howard 29 1640 Alta Drive, #12 30 Las Vegas, Nevada 89106 31 For Mat Costello: DAVID SQUIRES, ESQ. Emerson & Manke, PLLC 302 East Carson Avenue, #1002 Las Vegas, Nevada 89101 Also present: Tanner Hansen, Plaintiff</p>
Page 2	Page 4
<p>1 2 3 4 5 6 7 8 9 10 VIDEOTAPED DEPOSITION OF CHRISTOPHER FARLEY 11 12 Taken on Friday, September 9th, 2005 13 14 At 1:30 p.m. 15 16 At 2300 West Sahara Avenue, #770 17 18 Las Vegas, Nevada 19 20 21 22 23 24 25 REPORTED BY: RENE' R. MCCAULEY, CCR NO. 326 ///</p>	<p>1 I N D E X 2 Examination By: Direct Cross Redirect Recross 3 Mr. Bowen 5 4 Mr. Skaggs 156 5 6 E X H I B I T S 7 Description Page 8 Plaintiffs' 9 1 Amended notice of 3 10 taking deposition 11 2 Subpoena 3 12 3 Arrest report 168 13 14 /// 15 /// 16 /// 17 /// 18 /// 19 /// 20 /// 21 /// 22 /// 23 /// 24 /// 25 ///</p>

1 (Pages 1 to 4)

Christopher Farley Volume 1 September 9, 2005

Page 5	Page 7
<p>1 (Plaintiffs' Exhibits 1 and 2 marked.)</p> <p>2 Thereupon--</p> <p>3 CHRISTOPHER FARLEY,</p> <p>4 was called as a witness and having</p> <p>5 been first duly sworn, was examined and testified</p> <p>6 as follows:</p> <p>7 MR. BOWEN: Jerome Bowen on behalf of Tanner</p> <p>8 Hansen, the Mahns, Joe Grill and Tom Grill, and seated</p> <p>9 to my left is Tanner Hansen.</p> <p>10 MR. SKAGGS: Kerry Skaggs on behalf of the</p> <p>11 Lefevre family.</p> <p>12 MR. BUCKWALTER: Bryce Buckwalter on behalf</p> <p>13 of Ernest Aguilar.</p> <p>14 MS. HOWARD: Tracey Howard on behalf of</p> <p>15 Scott Morse.</p> <p>16 MR. ATKINSON: Troy Atkinson on behalf of</p> <p>17 the defendant, Bryan Bushy.</p> <p>18 MS. MALLATT: Christina Mallatt on behalf of</p> <p>19 defendants, Michael and Brenda Flank.</p> <p>20 MR. SQUIRES: David Squires for</p> <p>21 Matthew Costello.</p> <p>22 DIRECT EXAMINATION</p> <p>23 BY MR. BOWEN:</p> <p>24 Q. Mr. Farley, may I call you Chris?</p> <p>25 A. Yes.</p>	<p>1 A. Okay.</p> <p>2 Q. Exhibit 2 is a subpoena. Would you take a</p> <p>3 look at that subpoena, please?</p> <p>4 A. Okay.</p> <p>5 Q. Is that the subpoena you were served with?</p> <p>6 A. Yes.</p> <p>7 Q. And is that why you're here today?</p> <p>8 A. Yes.</p> <p>9 Q. All right. Mr. Farley, let me go through a</p> <p>10 couple of ground rules, okay?</p> <p>11 A. Okay.</p> <p>12 Q. Okay. Chris, the oath that you have taken</p> <p>13 when you raised your right hand and the court reporter</p> <p>14 swore you in is the same oath that you would take if</p> <p>15 you were in court seated on the stand.</p> <p>16 A. Okay.</p> <p>17 Q. Do you understand that?</p> <p>18 A. Yes.</p> <p>19 Q. In fact, you've testified in court; is that</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. You understand that that is the same oath</p> <p>23 that you took today?</p> <p>24 A. Yes.</p> <p>25 Q. Do you understand that that oath requires to</p>
Page 6	Page 8
<p>1 Q. Okay. Can you hear me okay?</p> <p>2 A. Yes.</p> <p>3 Q. Have you ever had your deposition taken</p> <p>4 before?</p> <p>5 A. No.</p> <p>6 Q. Do you have a lawyer?</p> <p>7 A. No, I don't.</p> <p>8 Q. Did you have a criminal lawyer?</p> <p>9 A. Yes.</p> <p>10 Q. Did you ever make arrangements to inquire as</p> <p>11 to whether your criminal lawyer would represent you in</p> <p>12 the civil case?</p> <p>13 A. No, I didn't.</p> <p>14 Q. Is it your desire that you represent yourself</p> <p>15 today?</p> <p>16 A. No.</p> <p>17 Q. Is it your desire you have a lawyer?</p> <p>18 A. I would like to have one, but.</p> <p>19 Q. What attempts have you made to get a lawyer?</p> <p>20 A. I've talked to people, but I can't afford</p> <p>21 one.</p> <p>22 Q. The documents I placed in front of you today,</p> <p>23 Exhibits 1 and 2 to your deposition, Exhibit 1 I'll</p> <p>24 represent for the record is what we call a notice of</p> <p>25 taking your deposition.</p>	<p>1 you to tell the truth? Do you understand that?</p> <p>2 A. Yes.</p> <p>3 Q. Do you understand that if you do not tell the</p> <p>4 truth, that you may be subject to perjury? Do you</p> <p>5 understand that?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know what perjury is?</p> <p>8 A. No.</p> <p>9 Q. Misrepresenting the truth.</p> <p>10 A. Okay.</p> <p>11 Q. Do you understand that, essentially?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. It's important today, Chris, that you</p> <p>14 tell us the truth. And in so doing that doesn't mean</p> <p>15 we want you to guess.</p> <p>16 A. Okay.</p> <p>17 Q. Now, a guess is different than when I'm</p> <p>18 asking for your best recollection or your best</p> <p>19 estimate. A guess would be something that you never</p> <p>20 knew.</p> <p>21 A. Okay.</p> <p>22 Q. Okay. Have you ever been in this room before</p> <p>23 today?</p> <p>24 A. No.</p> <p>25 Q. So you had never seen this table that's</p>

2 (Pages 5 to 8)

Christopher Farley Volume 1 September 9, 2005

Page 9	Page 11
<p>1 seated in front of you today?</p> <p>2 A. No.</p> <p>3 Q. So if I asked you prior to coming today what</p> <p>4 the size of this table was, that would be a guess;</p> <p>5 isn't that correct?</p> <p>6 A. Yes.</p> <p>7 Q. But if I asked you to estimate the size of</p> <p>8 your mom and dad's kitchen table in your house, you</p> <p>9 could give me an estimate of that; isn't that correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. If I asked you to recollect certain</p> <p>12 events that you may have participated in and you could</p> <p>13 recollect those; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. That's what I'm asking you for today.</p> <p>16 A. Okay.</p> <p>17 Q. I'm asking you for your best recollection and</p> <p>18 your best estimate. Do you understand?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. What did you do to prepare for your</p> <p>21 deposition today? Did you talk to anybody?</p> <p>22 A. I called a few friends that were lawyers, but</p> <p>23 never civil lawyers, and they just gave me pointers.</p> <p>24 Q. Did you hire any of those lawyers?</p> <p>25 A. No.</p>	<p>1 A. Yes.</p> <p>2 Q. And you're here today to testify; is that</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. Who represented you in the criminal case?</p> <p>6 A. Robert M. Duraskovich.</p> <p>7 Q. Did you provide any materials, documents,</p> <p>8 photographs, videotapes, to Mr. Duraskovich in your</p> <p>9 criminal case?</p> <p>10 A. No.</p> <p>11 Q. So you just provided your knowledge; is that</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. You didn't give him any physical materials?</p> <p>15 A. No.</p> <p>16 Q. Okay. Have you reviewed any documents or</p> <p>17 watched any videotapes prior to today?</p> <p>18 A. No.</p> <p>19 Q. Did you speak with your parents about your</p> <p>20 deposition?</p> <p>21 A. Yes.</p> <p>22 Q. And what did they tell you?</p> <p>23 A. Just go in and tell them what you know. Tell</p> <p>24 them the truth.</p> <p>25 Q. Are you under the influence of any drugs or</p>
Page 10	Page 12
<p>1 Q. Okay. Who did you call?</p> <p>2 A. I called Doug Malan.</p> <p>3 Q. Okay. And who else?</p> <p>4 A. And I called a friend who had talked to a</p> <p>5 lawyer who works in his office he works at.</p> <p>6 Q. Where does he work?</p> <p>7 A. He works at his father's office. This is</p> <p>8 Danny Malan.</p> <p>9 Q. Okay. He works at Mr. Malan's office, Doug</p> <p>10 Malan?</p> <p>11 A. Yes.</p> <p>12 Q. Is Doug, is Danny Malan a friend of yours?</p> <p>13 A. Yes.</p> <p>14 Q. How long have you known him?</p> <p>15 A. Since like second grade.</p> <p>16 Q. Anyone else you spoke to in preparation for</p> <p>17 your deposition?</p> <p>18 A. No.</p> <p>19 Q. So you knew that in coming to your deposition</p> <p>20 today, you knew you had the opportunity to hire a</p> <p>21 lawyer; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. You knew you had the opportunity to</p> <p>24 object to your deposition if you wanted to after</p> <p>25 speaking to this lawyer; isn't that correct?</p>	<p>1 alcohol right now?</p> <p>2 A. No.</p> <p>3 Q. When was the last time you had an alcoholic</p> <p>4 drink?</p> <p>5 A. Over a year ago.</p> <p>6 Q. When was the last time you used any drugs?</p> <p>7 A. Two years.</p> <p>8 Q. Are you under the influence of any medication</p> <p>9 today?</p> <p>10 A. No.</p> <p>11 Q. Are you ill today?</p> <p>12 A. No.</p> <p>13 Q. Is there any reason why we can't proceed with</p> <p>14 your deposition today?</p> <p>15 A. No.</p> <p>16 Q. What's your full name?</p> <p>17 A. Christopher Ryan Farley.</p> <p>18 Q. What's your date of birth, Christopher?</p> <p>19 A. April 3rd, 1985.</p> <p>20 Q. What's your social security number?</p> <p>21 A. 600-74-6111.</p> <p>22 Q. What's your present address where you live?</p> <p>23 A. 6901 Jurani Street, J-U-R-A-N-I.</p> <p>24 Q. How long have you lived there?</p> <p>25 A. Two years.</p>

3 (Pages 9 to 12)

Christopher Farley Volume 1 September 9, 2005

Page 13	Page 15
1 Q. Who do you live with there?	1 A. We had lived in an apartment for a few
2 A. My mom and dad.	2 months.
3 Q. What's your mom and dad's name?	3 Q. When did you live in the apartment,
4 A. Penny and Darrell Farley.	4 approximately? Was it after July 18th, 2003?
5 Q. Is that P-E-N-N-Y?	5 A. Yes.
6 A. Yeah.	6 Q. And before your new house; is that correct?
7 Q. And Darrell, is it D-A-R-R-E-L-L?	7 A. Yes.
8 A. Yes.	8 Q. Why did you move from your Deer Springs
9 Q. Who else do you live with other than your mom	9 residence?
10 and dad?	10 A. We just sold our house and we were waiting to
11 A. My brothers.	11 move into our new one.
12 Q. What's your brothers' names?	12 Q. You were building your new one?
13 A. Bryan.	13 A. We were waiting for those people to leave.
14 Q. Is that Bryan B-R-I-A-N or B-R-Y-A-N?	14 It was an older home.
15 A. B-R-Y-A-N.	15 Q. Had you purchased, strike that. Do you know
16 Q. Thank you.	16 if your mother and dad had purchased the new house
17 A. Jeffrey and Benjamin.	17 prior to July 18th, 2003?
18 Q. Jeffrey, J-E-F-F-R-E-Y?	18 A. I don't know.
19 A. Yes.	19 Q. Do you know if your old house on Deer Springs
20 Q. And Benjamin?	20 had been placed on the market, the real estate market
21 A. Yes.	21 or that it was for sale prior to July 18th, 2003?
22 Q. How old is Bryan?	22 A. I don't know.
23 A. Bryan is 22.	23 Q. Do you know who the real estate agent was
24 Q. How old is Jeffrey?	24 that sold your house?
25 A. Eighteen.	25 A. No, I don't.
Page 14	Page 16
1 Q. How old is Benjamin?	1 Q. In Deer Springs you lived across the street
2 A. Sixteen.	2 from a policeman; is that correct?
3 Q. Do you live with anyone else at that location	3 A. Yes, I did.
4 other than those people you've already testified to?	4 Q. Is that Officer Empey?
5 A. No.	5 A. Brett Empey.
6 Q. How long has Bryan lived with you at that	6 Q. Brett Empey. Of Metro?
7 location?	7 A. Yes.
8 A. He's been home for a year.	8 Q. Do you know a Detective Hammock?
9 Q. Okay. So he was not here in Las Vegas on	9 A. Yes.
10 July 18th, 2003?	10 Q. Detective Hammock is with Metro, too; is that
11 A. No.	11 correct?
12 Q. Where did you live on July 18th, 2003?	12 A. Yes.
13 A. I can't recall the old address.	13 Q. And Detective Hammock is the father of
14 Q. Did you live at 8233 Deer Springs Lane?	14 Chelsea Hammock; is that correct?
15 A. Yes.	15 A. Yes.
16 Q. In Las Vegas?	16 Q. And you know Chelsea Hammock, too, don't you?
17 A. Yes.	17 A. Yes, I do.
18 Q. And is that just west of U.S. 95?	18 Q. Chelsea Hammock is a friend of yours; is that
19 A. Yes.	19 correct?
20 Q. And is that just north of I-215?	20 A. Yes.
21 A. Yes.	21 Q. And she was a friend of yours on July 18th,
22 Q. What's the name of that development?	22 2003; is that correct?
23 A. Timber Lakes.	23 A. Yes.
24 Q. Did you move from that location to the place	24 Q. And you knew on July 18th, 2003 that Chelsea
25 you live now or did you live somewhere else in between?	25 Hammock's dad was a police officer; is that correct?

4 (Pages 13 to 16)

Christopher Farley Volume 1 September 9, 2005

Page 17	Page 19
<p>1 A. Yes.</p> <p>2 Q. Prior to July 18th, 2003 did you ever have</p> <p>3 any trouble with the police?</p> <p>4 A. No.</p> <p>5 Q. Never had police inquire about any of your</p> <p>6 actions?</p> <p>7 A. No.</p> <p>8 Q. Never arrested?</p> <p>9 A. No.</p> <p>10 Q. Prior to July 18th, 2003 were you ever</p> <p>11 disciplined by your mom and dad as a teenager?</p> <p>12 A. Yeah, I've been grounded.</p> <p>13 Q. Okay. Prior to July 18th, 2003 how were you</p> <p>14 grounded as a teenager?</p> <p>15 A. Can't go out.</p> <p>16 Q. What do you mean by go out?</p> <p>17 A. Like go out and hang out with people, go out</p> <p>18 and do, see a movie or something.</p> <p>19 Q. How many times do you recall prior to</p> <p>20 July 18th, 2003 you being grounded in that manner?</p> <p>21 A. I don't know.</p> <p>22 Q. Less than ten?</p> <p>23 A. Like what do you mean, like a time span like</p> <p>24 all the way like my whole lifetime, or?</p> <p>25 Q. No. When you were a teenager, so from 13 up</p>	<p>1 Q. whose name was on the title?</p> <p>2 A. My dad's.</p> <p>3 Q. Darrell Farley?</p> <p>4 A. Yes.</p> <p>5 Q. Did he purchase that truck for you?</p> <p>6 A. Yes.</p> <p>7 Q. Did you have to put down any money on the</p> <p>8 truck?</p> <p>9 A. No.</p> <p>10 Q. Do you remember when he bought that truck?</p> <p>11 A. No, I don't.</p> <p>12 Q. Do you remember what grade of school you were</p> <p>13 in when you first got that truck?</p> <p>14 A. My junior year.</p> <p>15 Q. Junior year of high school?</p> <p>16 A. Yes.</p> <p>17 Q. You went to high school at Centennial?</p> <p>18 A. Yes.</p> <p>19 Q. Is that the only high school you've attended?</p> <p>20 A. Yes.</p> <p>21 Q. Where did you go to junior high?</p> <p>22 A. Molasky and Becker.</p> <p>23 Q. Did you graduate from Centennial?</p> <p>24 A. No.</p> <p>25 Q. Why not?</p>
Page 18	Page 20
<p>1 to July 18th, 2003.</p> <p>2 A. Maybe, I'd say around ten.</p> <p>3 Q. Did you have a driver's license on July 18th,</p> <p>4 2003?</p> <p>5 A. Yes.</p> <p>6 Q. Did you obtain that when you were 16?</p> <p>7 A. Yes.</p> <p>8 Q. Did that driver's license ever get suspended?</p> <p>9 A. No.</p> <p>10 Q. Were you ever charged with any, any charges</p> <p>11 by Metro related to your driving?</p> <p>12 A. I've gotten a speeding ticket before.</p> <p>13 Q. Other than your speeding ticket, any other</p> <p>14 charges related to driving?</p> <p>15 A. No.</p> <p>16 Q. Did you have your own car or truck prior to</p> <p>17 July 18th, 2003?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Let's start with the one you had at</p> <p>20 the time of July 18th, 2003. What were you driving?</p> <p>21 A. It was a blue 1980 F-250.</p> <p>22 Q. And that's a Ford 250 truck?</p> <p>23 A. Yes.</p> <p>24 Q. And that was yours?</p> <p>25 A. Yes.</p>	<p>1 A. I had gotten kicked out of school.</p> <p>2 Q. When did you get kicked out of school?</p> <p>3 A. 2004.</p> <p>4 Q. When in 2004? Give me your best</p> <p>5 recollection.</p> <p>6 A. January or February. I know it was the</p> <p>7 beginning of the year.</p> <p>8 Q. Who kicked you out of school?</p> <p>9 A. I don't remember.</p> <p>10 Q. Was it someone in the administration of the</p> <p>11 high school?</p> <p>12 A. It had to do with the whole, this whole</p> <p>13 situation beginning.</p> <p>14 Q. It had to do with the situation with Tanner?</p> <p>15 A. Yes.</p> <p>16 Q. So who kicked you out, do you remember?</p> <p>17 A. No.</p> <p>18 Q. Do you remember how it happened, you being</p> <p>19 kicked out?</p> <p>20 A. No.</p> <p>21 Q. When were you informed that you were kicked</p> <p>22 out?</p> <p>23 A. I don't know.</p> <p>24 Q. How did you find out you were kicked out?</p> <p>25 A. I don't remember.</p>

5 (Pages 17 to 20)

Christopher Farley Volume 1 September 9, 2005

Page 21	Page 23
1 Q. So you don't remember if you found out from	1 A. Yes.
2 your parents or from somebody else; is that correct?	2 Q. You chose not to do that?
3 A. Yes.	3 A. Yes.
4 Q. What did you do after you were kicked out?	4 Q. In fact, isn't true that you went to court
5 A. I attended adult education.	5 this last year and asked Judge Cherry to let you out so
6 Q. Where?	6 you could finish school; is that correct?
7 A. Garside.	7 A. Yes.
8 Q. Did you complete that?	8 Q. And you still haven't gone back to school
9 A. No.	9 even though you're out; is that correct?
10 Q. Why did you not complete that?	10 A. Yes.
11 A. I had to leave the school because I was	11 Q. Let's go back now to your vehicles. When did
12 getting harassed.	12 you sell, if you did, when did you get rid of the 1980
13 Q. Harassed by whom?	13 F-250 truck?
14 A. Other people that were there.	14 A. I think it was early 2004.
15 Q. Why were you being harassed as far as you	15 Q. Why did you get rid of it?
16 understood?	16 A. We donated it to Shadow Ridge High School.
17 A. Because of the situation I'd gotten myself	17 They have an auto shop class.
18 into.	18 Q. What did you drive before the F-250 1980 blue
19 Q. Because of the things you had done to Tanner?	19 Ford truck?
20 A. Yes.	20 A. Before that I owned an '89 Chevy S-10 Blazer.
21 Q. And so other kids harassed you or the	21 Q. Did you have insurance on the F-250 truck?
22 administration at Garside harassed you, or both?	22 A. We had liability.
23 A. They were just the students.	23 Q. Who had the insurance? Was it you or your
24 Q. How did that make you feel when you were	24 dad?
25 being harassed?	25 A. My dad.
Page 22	Page 24
1 A. Not good.	1 Q. What insurance company had that?
2 Q. So did you leave voluntarily or were you	2 A. I don't know.
3 asked to leave?	3 Q. Do you know if you still have that same
4 A. Voluntarily.	4 insurance, same company?
5 Q. Then what did you do?	5 A. I do not know.
6 A. I just started working.	6 Q. Did you have a cell phone on July 18th, 2003?
7 Q. Where did you start working?	7 A. Yes.
8 A. Big Town Mechanical.	8 Q. Was your cell phone number 325-2239?
9 Q. Is that what, heating and air conditioning?	9 A. Yes.
10 A. It's plumbing and pipe fitting.	10 Q. And what company was that with?
11 Q. Okay. Who owns Big Town Mechanical, if you	11 A. I think T-Mobile.
12 know?	12 Q. Whose name was that account in? In other
13 A. Jim Barton.	13 words, who got you the phone?
14 Q. How did you know Jim Barton?	14 A. I had gotten myself the phone.
15 A. From church.	15 Q. With whose money?
16 Q. You go to church?	16 A. My money.
17 A. Yes.	17 Q. And did you open the account in your name or
18 Q. How long have you known Jim Barton?	18 someone else's name?
19 A. Since 2002.	19 A. I don't remember. I don't know.
20 Q. He gave you a job?	20 Q. Could have been in your name, could have been
21 A. Yes.	21 in your mom and dad's name?
22 Q. Why didn't you go to school somewhere else?	22 A. Yes.
23 A. I just never gotten around to it.	23 Q. You just don't know?
24 Q. You could have taken home courses; is that	24 A. Yes.
25 correct?	25 Q. Okay. Do you still have that same company,

6 (Pages 21 to 24)

Christopher Farley Volume 1 September 9, 2005

Page 25	Page 27
1 T-Mobile?	1 Q. How do you spell his last name?
2 A. No.	2 A. I don't know.
3 Q. New company?	3 Q. Tejata?
4 A. New company.	4 A. Tejata.
5 Q. Who's that?	5 Q. Who else?
6 A. Sprint.	6 A. That's all I can think of.
7 Q. So did you go directly from T-Mobile to	7 Q. No girls?
8 Sprint?	8 A. I use it for work purposes only.
9 A. Yes.	9 Q. So you don't have Austin Bazzoli's number on
10 Q. What's your cell phone number now?	10 there?
11 A. 581-5982.	11 A. I don't, I might. I don't know. I haven't
12 Q. Your phone that you had with T-Mobile, did	12 gone, I don't use my phone.
13 that have the ability to plug in various numbers that	13 Q. You don't use your phone for anything to call
14 you could access, speed dial?	14 Austin ever?
15 A. Yes.	15 A. I use it when I'm at work, but no, I don't
16 Q. Do you do that on that phone?	16 use it for, I don't do anything anymore.
17 A. Yes.	17 Q. So you don't use your phone to call any
18 Q. Do you remember whose numbers you had plugged	18 friends?
19 in?	19 A. My brothers and my friend, Joe.
20 A. No.	20 Q. The answer is no other than Joe?
21 Q. You don't remember any names of any people	21 A. I don't know.
22 you had plugged in on that phone?	22 Q. You don't know or you don't recall?
23 A. I can't recall any of the names.	23 A. I don't recall.
24 Q. How about Ashley Erickson?	24 Q. Do you recall ever speaking to Austin Bazzoli
25 A. Yes.	25 on your cell phone?
Page 26	Page 28
1 Q. How about Tasha McLaughlin?	1 A. She's called it.
2 A. No.	2 Q. Is Austin Bazzoli your girlfriend?
3 Q. How about Jessica Webb?	3 A. No.
4 A. No.	4 Q. Has she ever been your girlfriend?
5 Q. Do you remember any other names other than	5 A. No.
6 Ashley?	6 Q. So if she were to say that she's your
7 A. I can't remember any of the names.	7 girlfriend, she'd be mistaken?
8 Q. How about Brian Pillsbury?	8 A. Yes.
9 A. Yeah, I had him on that phone.	9 Q. Didn't you tell Austin Bazzoli recently that
10 Q. Does that help you remember any other names?	10 you would rather go seven years without making a dime
11 A. I can't, I've had another phone after that.	11 rather than pay one dime to Tanner Hansen?
12 I can't remember if I've had old numbers or new	12 A. No.
13 numbers.	13 Q. You didn't tell her that?
14 Q. Do you have your phone with you?	14 A. No.
15 A. No, I don't.	15 Q. So if she testifies to that then she would be
16 Q. Do you have automatic speed dial on your	16 mistaken, too?
17 phone now?	17 A. Yes.
18 A. Yes.	18 Q. Isn't it true that you told her also, too,
19 Q. Do you remember any names and numbers you	19 that you'd bankrupt, you're not going to pay Tanner one
20 have on your cell phone now?	20 dime, you're going to take out bankruptcy?
21 A. Yes.	21 A. No.
22 Q. Can you tell me who those are, other than	22 Q. You didn't say anything about bankruptcy to
23 family?	23 Austin?
24 A. I have work, job superintendents, I have my	24 A. We talked about it, but I didn't, never said
25 Bishop, I have a friend Joe, Joseph Tejata.	25 that.

7 (Pages 25 to 28)

Christopher Farley Volume 1 September 9, 2005

Page 29	Page 31
<p>1 Q. What did you tell her about that?</p> <p>2 A. I'm considering it.</p> <p>3 Q. Why are you considering it?</p> <p>4 A. To see if it will do anything with the</p> <p>5 lawsuits.</p> <p>6 Q. You have a judgment against you now?</p> <p>7 A. I don't know.</p> <p>8 Q. Are you aware that you've been defaulted in</p> <p>9 this case because you haven't answered the lawsuit?</p> <p>10 A. I didn't know, but if I am.</p> <p>11 Q. You didn't know that there was a lawsuit</p> <p>12 against you?</p> <p>13 A. I knew there was a lawsuit, but I don't know</p> <p>14 anything about law or civil suits, or.</p> <p>15 Q. So let me make sure I understand. When you</p> <p>16 got served, you got served with the lawsuit, right?</p> <p>17 A. Yes.</p> <p>18 Q. When you got served with the lawsuit you</p> <p>19 didn't talk to anybody about it?</p> <p>20 A. I was in County.</p> <p>21 Q. So is your answer no, you didn't talk to</p> <p>22 anybody about it?</p> <p>23 A. No, I haven't talked to anybody about it.</p> <p>24 Q. You didn't talk with your parents about the</p> <p>25 lawsuit?</p>	<p>1 A. No.</p> <p>2 Q. You think Austin Bazzoli is an honest girl?</p> <p>3 A. Sometimes.</p> <p>4 Q. So sometimes she's not honest?</p> <p>5 A. Yes.</p> <p>6 Q. Are you honest all the time?</p> <p>7 A. A lot of times, yes.</p> <p>8 Q. You're not honest all the time?</p> <p>9 A. I try to be as much as possible.</p> <p>10 Q. So your answer is no, you're not honest all</p> <p>11 the time?</p> <p>12 A. No.</p> <p>13 Q. Have you always been honest with Austin?</p> <p>14 A. No.</p> <p>15 Q. Why have you not told her the truth</p> <p>16 sometimes?</p> <p>17 A. We just have a shaky friendship. It's always</p> <p>18 fighting.</p> <p>19 Q. You've never had a romantic interest in her?</p> <p>20 A. No.</p> <p>21 Q. Did you ever talk with her while you were in</p> <p>22 lockup?</p> <p>23 A. Yes.</p> <p>24 Q. You call her or did she call you or both?</p> <p>25 A. I'd have to call her.</p>
Page 30	Page 32
<p>1 A. Other than my parents, I mean, like lawyers,</p> <p>2 I haven't talked to any lawyers about it.</p> <p>3 Q. So when you talked to your parents about it</p> <p>4 you didn't say, "What should we do about this lawsuit?"</p> <p>5 A. Yeah.</p> <p>6 Q. And what did they say?</p> <p>7 A. "Try to get a lawyer if you can."</p> <p>8 Q. So they said to you when you were in County,</p> <p>9 "Try and get a lawyer if you can"?</p> <p>10 A. Yes.</p> <p>11 Q. And they never attempted to get a lawyer?</p> <p>12 A. No.</p> <p>13 Q. So you've never discussed with your parents</p> <p>14 the fact that you don't have any money and if you get a</p> <p>15 judgment against you, you'll just bankrupt and Tanner</p> <p>16 wouldn't get any money from you? You have never had</p> <p>17 that discussion with your parents?</p> <p>18 A. We've talked about the suit and all everybody</p> <p>19 said is I'll try to do it. If I get a judgment against</p> <p>20 me I'll just pay it.</p> <p>21 Q. You said you'd pay it?</p> <p>22 A. Yes.</p> <p>23 Q. So you never told Austin Bazzoli or your</p> <p>24 parents that you would just bankrupt if you got a suit</p> <p>25 against you and you had to pay?</p>	<p>1 Q. So you called a girl that you had no romantic</p> <p>2 interest in in lockup?</p> <p>3 A. Yes.</p> <p>4 Q. Why did you call her?</p> <p>5 A. She was a friend.</p> <p>6 Q. Why did you want to talk to her?</p> <p>7 A. I just wanted to talk to somebody.</p> <p>8 Q. Who else did you call while you were in</p> <p>9 lockup, other than family?</p> <p>10 A. I had a girlfriend in the beginning.</p> <p>11 Q. When you were in lockup?</p> <p>12 A. Yes.</p> <p>13 Q. Who was that?</p> <p>14 A. Jennifer Poole.</p> <p>15 Q. P-O-O-L-E?</p> <p>16 A. Yes.</p> <p>17 Q. How long had Jennifer been your girlfriend,</p> <p>18 strike that. Had she been your girlfriend prior to</p> <p>19 lockup?</p> <p>20 A. Yes.</p> <p>21 Q. When did she start to become your girlfriend?</p> <p>22 A. July 8th.</p> <p>23 Q. July 8th of what year?</p> <p>24 A. 2004.</p> <p>25 Q. Why do you remember it being July 8th?</p>

8 (Pages 29 to 32)

Christopher Farley Volume 1 September 9, 2005

Page 33	Page 35
<p>1 A. Because that was the day I asked her out.</p> <p>2 Q. Good answer. Good memory. I remember the</p> <p>3 first time I asked my wife out, too. That's not</p> <p>4 coincidental.</p> <p>5 All right. So then after Jennifer Poole,</p> <p>6 then did you have a girlfriend after that?</p> <p>7 A. No.</p> <p>8 Q. Why did you no longer, why are you no longer</p> <p>9 dating Jennifer Poole?</p> <p>10 A. Because she just wants to go out and party</p> <p>11 and mess around.</p> <p>12 Q. And you don't like to go out and party and</p> <p>13 mess around?</p> <p>14 A. I have no drive to do that.</p> <p>15 Q. Anymore?</p> <p>16 A. Anymore.</p> <p>17 Q. You did at one time; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. Like on July 18th, 2003?</p> <p>20 A. Yes.</p> <p>21 Q. During the whole summer of July, during the</p> <p>22 whole summer of 2003?</p> <p>23 A. Yes.</p> <p>24 Q. In fact, you were known as a pretty notorious</p> <p>25 partier, weren't you?</p>	<p>1 Q. What's fished?</p> <p>2 A. That's where you ask people outside, adults,</p> <p>3 if they could buy it for you.</p> <p>4 Q. So you stood outside of that gas station and</p> <p>5 asked them to buy you beer?</p> <p>6 A. Yes.</p> <p>7 Q. And then they went in and bought you beer?</p> <p>8 A. Yes.</p> <p>9 Q. Did you ever, do you understand the term kick</p> <p>10 it?</p> <p>11 A. Kick it?</p> <p>12 Q. Yeah, kicking it?</p> <p>13 A. Like hanging out?</p> <p>14 Q. Yeah. Is that what you understand that term</p> <p>15 to mean?</p> <p>16 A. Yes.</p> <p>17 Q. Did you ever kick it at that gas station with</p> <p>18 friends?</p> <p>19 A. Yes.</p> <p>20 Q. In fact, that was kind of a regular place to</p> <p>21 kind of meet up and kick it in the summer of 2003 along</p> <p>22 with other areas; is that correct?</p> <p>23 A. Yes, it was.</p> <p>24 Q. And did you ever see any police come to that</p> <p>25 gas station and inquire about any activities outside</p>
Page 34	Page 36
<p>1 A. Yes, I was.</p> <p>2 Q. You liked to drink a lot; is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. And you used to get your beer yourself; is</p> <p>5 that correct?</p> <p>6 A. Yes.</p> <p>7 Q. And you were a minor at times when you bought</p> <p>8 beer; is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. In fact, you used to buy beer on occasion at</p> <p>11 the Chevron station off of Ann Road and Rainbow; is</p> <p>12 that correct?</p> <p>13 A. I've gotten beer there just once.</p> <p>14 Q. Once when you were a minor?</p> <p>15 A. Yes.</p> <p>16 Q. Is that in the summer of 2003?</p> <p>17 A. No.</p> <p>18 Q. When was that; prior to that?</p> <p>19 A. Yes.</p> <p>20 Q. Did you have a fake ID when you bought the</p> <p>21 beer?</p> <p>22 A. No, I didn't.</p> <p>23 Q. Anybody card you for the beer?</p> <p>24 A. I hadn't bought beer. I didn't pay, I didn't</p> <p>25 go up and buy it, I had fished for it.</p>	<p>1 that gas station?</p> <p>2 A. Yes.</p> <p>3 Q. In fact, isn't it true that on at least one</p> <p>4 occasion that one of your friends was patted down by</p> <p>5 the police and taken away in the car?</p> <p>6 A. I was never there for that.</p> <p>7 Q. Police ever ask you what you were doing at</p> <p>8 that gas station?</p> <p>9 A. Yes.</p> <p>10 Q. Tell us about that occasion. What happened?</p> <p>11 A. Well, the police would come up and there</p> <p>12 would be a group of kids in cars. And they'd ask what</p> <p>13 we were doing and we can't loiter. And we would just</p> <p>14 say we're meeting with a bunch of friends because we're</p> <p>15 about to leave. And then the cops would just say, "You</p> <p>16 guys can't hang out here". So we would get in our cars</p> <p>17 and go somewhere else.</p> <p>18 Q. It is true, is it not, that you all knew, you</p> <p>19 all meaning the people that would kick it at that gas</p> <p>20 station, your friends, that it was commonplace that</p> <p>21 that gas station would sell beer to minors; is that</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. Everybody knew that that hung out with you;</p> <p>25 is that correct?</p>

9 (Pages 33 to 36)

Christopher Farley Volume 1 September 9, 2005

Page 37	Page 39
<p>1 A. Yes.</p> <p>2 Q. And that was in the summer of 2003; is that</p> <p>3 correct?</p> <p>4 A. Yes.</p> <p>5 Q. In fact, it is true that it went around in</p> <p>6 your group that there were guys, guy clerks, male</p> <p>7 clerks inside that store that liked some of the girls</p> <p>8 that were minors in your group and would regularly sell</p> <p>9 beer to them without carding them; is that correct?</p> <p>10 A. I don't know.</p> <p>11 Q. You don't remember that?</p> <p>12 A. I don't remember any of that.</p> <p>13 Q. So where would you get your beer if you had</p> <p>14 to buy it?</p> <p>15 A. Most of the time I was with Mark Herman.</p> <p>16 Q. Mark Herman your friend?</p> <p>17 A. Not anymore.</p> <p>18 Q. Was he your friend in July of 2003?</p> <p>19 A. Yes, he was.</p> <p>20 Q. Would he buy your beer for you?</p> <p>21 A. Yes, he would.</p> <p>22 Q. Did he buy your beer you drank on the night</p> <p>23 of July 18, 2003?</p> <p>24 A. I wasn't drinking that day.</p> <p>25 Q. You did not drink at all that night?</p>	<p>1 Q. Okay. And how did you get the beer when you</p> <p>2 were a teenager other than through Mr. Herman?</p> <p>3 A. That was, if I'd go to a party it would be</p> <p>4 there, I would drink it. The only time I would ever</p> <p>5 get it is was through Herman.</p> <p>6 Q. And Mark Herman would buy it for you knowing</p> <p>7 you were a minor?</p> <p>8 A. Yes.</p> <p>9 Q. How old was he when he was buying it for you,</p> <p>10 if you know?</p> <p>11 A. 22 or 23. I don't really remember.</p> <p>12 Q. Did you consider yourself in the summer of</p> <p>13 2003 to be a pretty close friend of Mr. Herman's?</p> <p>14 A. We were pretty good friends.</p> <p>15 Q. Did he go to high school with you?</p> <p>16 A. No.</p> <p>17 Q. How did you meet him?</p> <p>18 A. At the Speedway.</p> <p>19 Q. Who else did you consider to be pretty tight</p> <p>20 with in the summer of 2003?</p> <p>21 A. He was my, really my only close friend. I</p> <p>22 was friends with everybody, but he was the only one</p> <p>23 that I would, that would be like the first on my call</p> <p>24 list or something.</p> <p>25 Q. First on your call list when there was a</p>
Page 38	Page 40
<p>1 A. At all.</p> <p>2 Q. So when you went to the park, Mountain Crest</p> <p>3 Park that night you weren't drinking?</p> <p>4 A. No.</p> <p>5 Q. So if Ashley Erickson and others testified</p> <p>6 that you were drinking and you were under the influence</p> <p>7 of alcohol, they would be mistaken?</p> <p>8 A. Yes.</p> <p>9 Q. And you didn't drink at all that night; is</p> <p>10 that correct?</p> <p>11 A. Yes.</p> <p>12 Q. So you were clean and sober when the</p> <p>13 activities were happening that night; is that correct?</p> <p>14 A. Yes, I was.</p> <p>15 Q. You had your full faculties and you knew what</p> <p>16 you were doing; is that correct?</p> <p>17 A. Yes, I was.</p> <p>18 Q. All right. Prior to July 18th, 2003 did you</p> <p>19 ever drink as a teenager?</p> <p>20 A. Yes.</p> <p>21 Q. On how many occasions; more than 50?</p> <p>22 A. Yes.</p> <p>23 Q. More than a hundred?</p> <p>24 A. I don't know the number. I'd drink on the</p> <p>25 weekends.</p>	<p>1 party happening and you were going to go kick it?</p> <p>2 A. Yes.</p> <p>3 Q. You would agree with me, would you not,</p> <p>4 Chris, that in the summer of 2003 that you kicked it at</p> <p>5 least once a week with friends?</p> <p>6 A. Yes.</p> <p>7 Q. And that you drank at least once a week</p> <p>8 during that summer with friends; is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall ever being at an event in the</p> <p>11 summer of 2003 where an individual was out in front of</p> <p>12 his house in a neighborhood and there were several kids</p> <p>13 that started to hit, hit a kid, beat him, hit him in</p> <p>14 the face with brass knuckles and the dad came out and</p> <p>15 the dad was threatened?</p> <p>16 A. No.</p> <p>17 Q. Do you recall that incident?</p> <p>18 A. No, I don't.</p> <p>19 Q. Prior to July 18th, 2003 were you ever at a</p> <p>20 party with Steven Gazlay?</p> <p>21 A. Yes.</p> <p>22 Q. More than ten times?</p> <p>23 A. I'd probably say, yeah.</p> <p>24 Q. More than 20 times?</p> <p>25 A. No.</p>

10 (Pages 37 to 40)

Christopher Farley Volume 1 September 9, 2005

Page 41	Page 43
<p>1 Q. So somewhere between ten and 20?</p> <p>2 A. Yeah.</p> <p>3 Q. You were driving a Ford F-250 on July 18th,</p> <p>4 2003?</p> <p>5 A. Yes, I was.</p> <p>6 Q. Was that an automatic or a standard?</p> <p>7 A. An automatic.</p> <p>8 Q. Prior to July 18th, 2003 did you ever go home</p> <p>9 drunk?</p> <p>10 A. Yes.</p> <p>11 Q. Did you have a curfew?</p> <p>12 A. Yes, I did.</p> <p>13 Q. What was your curfew prior to July 18th,</p> <p>14 2003?</p> <p>15 A. Midnight.</p> <p>16 Q. Did you ever go home past your curfew?</p> <p>17 A. Sometimes I would.</p> <p>18 Q. Tell me what happened when you would go home,</p> <p>19 first of all drunk prior to July 18th, 2003. what</p> <p>20 would your parents do?</p> <p>21 A. Well, my parents, they go to bed around</p> <p>22 10:00, so usually when I come home they're asleep.</p> <p>23 They've never caught me coming home drunk.</p> <p>24 Q. So your parents to the best of your knowledge</p> <p>25 never saw you come home at 12:00 midnight or thereafter</p>	<p>1 Q. After July 18th, 2003 did you ever have an</p> <p>2 altercation with anybody?</p> <p>3 A. No.</p> <p>4 Q. Parents ever take your truck away from you?</p> <p>5 A. Yes.</p> <p>6 Q. When?</p> <p>7 A. When I would come home after my curfew.</p> <p>8 Q. So your parents were up on occasion and did</p> <p>9 realize that you were home past 12:00 or they found out</p> <p>10 the next day?</p> <p>11 A. They would, my mom would wake up sometimes in</p> <p>12 the middle of the night to go to the bathroom or</p> <p>13 something, I don't know, and she would see if I wasn't</p> <p>14 home.</p> <p>15 Q. How many times was your truck taken away from</p> <p>16 you prior to July 18th, 2003?</p> <p>17 A. Only a few, like two.</p> <p>18 Q. How many times was it taken away from you</p> <p>19 after July 18th, 2003?</p> <p>20 A. Just a few.</p> <p>21 Q. What would your parents do when they would</p> <p>22 ground you other than not allow you to go out with</p> <p>23 friends and occasionally take your truck away as you've</p> <p>24 testified to?</p> <p>25 A. Other than that, take away my cell phone, but</p>
Page 42	Page 44
<p>1 drunk?</p> <p>2 A. No.</p> <p>3 Q. Did that include after July 18th, 2003?</p> <p>4 A. Yes.</p> <p>5 Q. So it would be safe to say then your parents</p> <p>6 would not wait up for you to make sure you're home</p> <p>7 safe?</p> <p>8 A. My mom would call me before she goes to sleep</p> <p>9 every night and ask what I'm doing and to remind me to</p> <p>10 be home at midnight.</p> <p>11 Q. So it is fair to say your parents would never</p> <p>12 wait up for you to check and to make sure that you were</p> <p>13 home on time and safe; is that correct?</p> <p>14 A. On occasion they would.</p> <p>15 Q. How many times would you say you came home</p> <p>16 drunk prior to July 18th, 2003?</p> <p>17 A. Oh, like six.</p> <p>18 Q. How many times would you say you came home</p> <p>19 drunk after July 18th, 2003?</p> <p>20 A. A few. Three, four.</p> <p>21 Q. Prior to July 18th, 2003 did you ever get in</p> <p>22 a fist fight, physical fight?</p> <p>23 A. No.</p> <p>24 Q. So you never had an altercation with anybody?</p> <p>25 A. No.</p>	<p>1 that was about it.</p> <p>2 Q. Did your parents ever get you counseling?</p> <p>3 A. No.</p> <p>4 Q. Your parents know you drink alcohol?</p> <p>5 A. They did.</p> <p>6 Q. When did they find that out?</p> <p>7 A. They found out I was drinking a lot probably</p> <p>8 the night, July 18th or the night that the incident</p> <p>9 happened.</p> <p>10 Q. So let me make sure I understand this, Chris</p> <p>11 and you tell me if I'm wrong, okay? You're saying that</p> <p>12 your parents for the first time realized you were</p> <p>13 drinking a lot from the night of July 18th, 2003, the</p> <p>14 night that you weren't drinking; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. Why did they find out you were drinking a lot</p> <p>17 on the night that you weren't drinking?</p> <p>18 A. Because I went in and talked to my parents.</p> <p>19 Q. What did you tell them?</p> <p>20 A. I walked into their bedroom and I told them</p> <p>21 something happened and I told them about it. And then</p> <p>22 my dad was, well, they have asked me questions, you</p> <p>23 know, had you been drinking, do you use drugs, and no</p> <p>24 on the drugs, but yes, I go out and party. And they</p> <p>25 asked, you know, if I was in sexual relations, you</p>

11 (Pages 41 to 44)

Christopher Farley Volume 1 September 9, 2005

Page 45	Page 47
<p>1 know, all those kind of questions.</p> <p>2 Q. Is that the first time your parents had ever</p> <p>3 asked you about your drinking?</p> <p>4 A. Yes.</p> <p>5 Q. Have you ever used steroids?</p> <p>6 A. No.</p> <p>7 Q. Have you ever been with friends that have</p> <p>8 used steroids?</p> <p>9 A. No.</p> <p>10 Q. Have you ever been at a party where anybody</p> <p>11 has done any type of drugs or steroids with needles?</p> <p>12 A. No.</p> <p>13 Q. Or syringes? No?</p> <p>14 A. No.</p> <p>15 Q. Have you ever been at a party where anybody's</p> <p>16 been doing any drugs?</p> <p>17 A. Yes.</p> <p>18 Q. Have you ever been at a party where anybody</p> <p>19 has been doing any drugs prior to July 18th, 2003?</p> <p>20 A. Yes.</p> <p>21 Q. Have you ever been at a party with Steven</p> <p>22 Gazlay where anybody's been doing any drugs?</p> <p>23 A. He may have been at a party. I don't know.</p> <p>24 Q. Okay. Have you ever been at a party where</p> <p>25 somebody's been doing drugs and Scott Morse has been</p>	<p>1 Q. who did you see him with snow boarding, if</p> <p>2 you did?</p> <p>3 A. I don't know who he was with.</p> <p>4 Q. You don't remember anybody that he had</p> <p>5 traveled with or was skiing with?</p> <p>6 A. No.</p> <p>7 Q. That you knew?</p> <p>8 A. No, I don't.</p> <p>9 Q. How many parties would you say you have been</p> <p>10 to with Scott Morse?</p> <p>11 A. A good few, maybe ten.</p> <p>12 Q. That's your best recollection?</p> <p>13 A. That's my best recollection, is ten.</p> <p>14 Q. Is that prior to July 18th, 2003 including</p> <p>15 July 18th?</p> <p>16 A. Yes.</p> <p>17 Q. You'd been, seen him at a party, you been</p> <p>18 with him at a party since that time?</p> <p>19 A. No.</p> <p>20 Q. Do you know who Bryan Bushy is?</p> <p>21 A. Yes, I do.</p> <p>22 Q. Have you ever been friends with Bryan Bushy?</p> <p>23 A. No.</p> <p>24 Q. Why not?</p> <p>25 A. I don't like people who smoke weed. And he</p>
Page 46	Page 48
<p>1 at the party?</p> <p>2 A. Yes.</p> <p>3 Q. Which party was that, do you recall?</p> <p>4 A. I don't recall.</p> <p>5 Q. But you know you have been?</p> <p>6 A. Yes.</p> <p>7 Q. On how many different occasions?</p> <p>8 A. I don't know.</p> <p>9 Q. And you don't remember specifically or</p> <p>10 generally what those occasions were for or where they</p> <p>11 were?</p> <p>12 A. No.</p> <p>13 Q. Was it before July 18th or after July 18th?</p> <p>14 A. Probably before.</p> <p>15 Q. You know Scott Morse, right?</p> <p>16 A. I know him.</p> <p>17 Q. Scott Morse was a friend of yours prior to</p> <p>18 July 18th, 2003?</p> <p>19 A. I wouldn't really call us friends, but I knew</p> <p>20 of him from snow boarding at school.</p> <p>21 Q. You snow boarded with him?</p> <p>22 A. I've seen him on the mountain a few times.</p> <p>23 Q. Have you ever talked to him on the mountain?</p> <p>24 A. We'll sit on the lift together and chit-chat,</p> <p>25 but.</p>	<p>1 was a, he smoked weed a lot.</p> <p>2 Q. He smoked marijuana a lot?</p> <p>3 A. Yeah.</p> <p>4 Q. How do you know that?</p> <p>5 A. Because I had gone over to his house once.</p> <p>6 We had a party, there were girls there, and it just</p> <p>7 talk and that's all they talk about and I have nothing</p> <p>8 in common with that.</p> <p>9 Q. All he and the girls there were talking about</p> <p>10 was smoking weed?</p> <p>11 A. Yeah.</p> <p>12 Q. Is that the last time you went to his house?</p> <p>13 A. Yes.</p> <p>14 Q. You ever been to any other parties with Bryan</p> <p>15 Bushy?</p> <p>16 A. No.</p> <p>17 Q. were you with him on July, strike that. was</p> <p>18 he at the location at issue on July 18th, 2003, Bryan</p> <p>19 Bushy?</p> <p>20 A. I don't know if he was there or not.</p> <p>21 Q. You didn't see him?</p> <p>22 A. No, I didn't.</p> <p>23 Q. You do know what he looks like, right?</p> <p>24 A. Yes, I do.</p> <p>25 Q. Have you talked to him since July 18th, 2003?</p>

12 (Pages 45 to 48)

Christopher Farley Volume 1 September 9, 2005

Page 49	Page 51
<p>1 A. No.</p> <p>2 Q. Do you know who Mat Costello is?</p> <p>3 A. Yes, I do.</p> <p>4 Q. Has he ever been a friend of yours?</p> <p>5 A. I knew him from snow boarding in school.</p> <p>6 Q. You ever see Mat Costello snow board with</p> <p>7 Scott Morse?</p> <p>8 A. No, I didn't.</p> <p>9 Q. Did you ever travel snow boarding, did you</p> <p>10 ever go snow boarding with Mat Costello?</p> <p>11 A. I did once.</p> <p>12 Q. Was that in Utah?</p> <p>13 A. No, we went to Lee Canyon.</p> <p>14 Q. Is that prior to July 18th, 2003?</p> <p>15 A. Yes, it was.</p> <p>16 Q. So I may have asked this before, Chris. I</p> <p>17 apologize. Was he a friend of yours, Mat Costello?</p> <p>18 A. I wouldn't really call us friends. I knew of</p> <p>19 him.</p> <p>20 Q. Did you like him?</p> <p>21 A. He was a nice kid.</p> <p>22 Q. Ever been to parties with him?</p> <p>23 A. I've seen him at parties.</p> <p>24 Q. How many parties would you say you've been at</p> <p>25 that he's been at?</p>	<p>1 Q. That was on July 18th, 2003?</p> <p>2 A. Yeah.</p> <p>3 Q. Is he a cousin of Steven Gazlay?</p> <p>4 A. I think so. I know they're related.</p> <p>5 Q. Ever heard of a guy with the nickname the</p> <p>6 Italian Stallion?</p> <p>7 A. No.</p> <p>8 Q. You never heard that?</p> <p>9 A. No, I haven't.</p> <p>10 Q. How about Mexican Man?</p> <p>11 A. No.</p> <p>12 Q. Never heard anybody yelling out, "This is</p> <p>13 Mexican Man"?</p> <p>14 A. No, I haven't.</p> <p>15 Q. Do you know what the basin is?</p> <p>16 A. The basin?</p> <p>17 Q. Yeah.</p> <p>18 A. Yes, I do.</p> <p>19 Q. What's the basin?</p> <p>20 A. It's a giant water retention basin on the top</p> <p>21 of Centennial.</p> <p>22 Q. You ever go to the basin?</p> <p>23 A. I go riding up there.</p> <p>24 Q. Riding what?</p> <p>25 A. My dirt bike. I have my dirt bike.</p>
Page 50	Page 52
<p>1 A. I can't recall.</p> <p>2 Q. More than five?</p> <p>3 A. Yeah.</p> <p>4 Q. More than ten?</p> <p>5 A. Yeah, yeah.</p> <p>6 Q. Okay. Was that prior to July 18th, 2003?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know Dominic Harriman?</p> <p>9 A. I know him, but, I know of him. I don't</p> <p>10 really know him.</p> <p>11 Q. When's the first time you remember realizing</p> <p>12 who he was or somebody telling you that's Dominic</p> <p>13 Harriman?</p> <p>14 A. I don't remember the date, but I met him up</p> <p>15 at the Centennial parking lot one day. He was with</p> <p>16 Steven.</p> <p>17 Q. Steven Gazlay?</p> <p>18 A. Yes.</p> <p>19 Q. Steve Gazlay a friend of yours?</p> <p>20 A. No.</p> <p>21 Q. Has he ever been a friend of yours?</p> <p>22 A. No.</p> <p>23 Q. You ever been to any parties with Dominic</p> <p>24 Harriman?</p> <p>25 A. Just one.</p>	<p>1 Q. You have a dirt bike?</p> <p>2 A. Yeah.</p> <p>3 Q. When did you get that?</p> <p>4 A. 2002.</p> <p>5 Q. Your mom and dad buy that for you?</p> <p>6 A. No, I bought it.</p> <p>7 Q. Who owned that? Who was on the title of it,</p> <p>8 if it had a title, I guess?</p> <p>9 A. It didn't have a title.</p> <p>10 Q. Your mom and dad ever take that away?</p> <p>11 A. No.</p> <p>12 Q. Do you still have that?</p> <p>13 A. No, I don't.</p> <p>14 Q. When did you get rid of that?</p> <p>15 A. I got into an accident. It was 2003. I</p> <p>16 totalled it.</p> <p>17 Q. Okay. And then you had to get rid of it?</p> <p>18 A. Yeah, it was just destroyed.</p> <p>19 Q. Do you know who Jeff Hart is?</p> <p>20 A. Yes.</p> <p>21 Q. Is he a friend of yours?</p> <p>22 A. No.</p> <p>23 Q. Has he ever been a friend of yours?</p> <p>24 A. No.</p> <p>25 Q. Why not?</p>

13 (Pages 49 to 52)

Christopher Farley Volume 1 September 9, 2005

Page 53

Page 55

1 A. I knew of him. We both rode. I'd see him
2 out at the Speedway on practice nights. And I knew him
3 from school. He was dating a girl, Toni. But he just
4 hung out with this kid, Richie and he did his own
5 thing. I just never really hung out with him.
6 Q. Do you know who Toni Cikity is?
7 A. I know of her. I don't know who she is.
8 Q. Was she a friend of yours?
9 A. No.
10 Q. So did you ever go to parties with, strike
11 that. Did you ever go to a party where Jeff Hart was?
12 A. Yes.
13 Q. More than one?
14 A. Yeah, I'd say probably more than ten.
15 Q. More than ten. More than 20?
16 A. I'd only see him really when we would go out
17 to like the desert parties or something.
18 Q. Desert parties out at the basin?
19 A. Yeah, or at the end of Jones.
20 Q. End of Jones Road?
21 A. Yes.
22 Q. That was a regular place that you would all
23 kick it?
24 A. It wasn't a regular, but that's where they
25 would have a lot of, that's where most, if there was

1 in your presence or around you that, you know, the
2 fighting needed to begin, let's get on with the
3 fighting because they've only got so much videotape
4 left, let's make it good. You ever hear anybody talk
5 about like that?
6 A. I never heard any of.
7 Q. Do you know what bum fights are?
8 A. Yes.
9 Q. What's bum fights?
10 A. I guess it was a videotape recorded in Vegas.
11 A bunch of guys run around, I guess they got bums that
12 beat each other up or something.
13 Q. You ever hear anybody talk about any
14 videotape footage of you and your friends or anybody
15 that you associated with, any of that fighting being
16 made so it could be sold for profit or put on the
17 Internet?
18 A. No.
19 Q. Never heard anybody talk about that?
20 A. No.
21 Q. Did you ever videotape any of the parties you
22 went to?
23 A. No, I didn't.
24 Q. Did you own a video camera?
25 A. I owned a camera.

Page 54

Page 56

1 going to be a desert party, that's where it would be
2 out at.
3 Q. That's where they'd have a lot of fights
4 happen; is that correct?
5 A. I've never been out to a fight out there.
6 Q. You have been to fights at the basin, though;
7 is that correct?
8 A. I've seen a fight out there.
9 Q. Just one?
10 A. Yes.
11 Q. Do you know who Chad Clatterbuck is?
12 A. I remember the name.
13 Q. Other than knowing the name, you don't know
14 what he looks like?
15 A. I couldn't tell you what he looks like.
16 Q. You ever see anybody videotaping anything
17 when you were at a party?
18 A. Yeah.
19 Q. Do you remember who was doing the
20 videotaping?
21 A. No, I don't.
22 Q. Do you remember anybody telling you that's
23 Chad Clatterbuck doing the videotaping?
24 A. I, no.
25 Q. Do you remember hearing of anybody indicate

1 Q. And you never took it to any parties?
2 A. No.
3 Q. Where did you keep your camera; at your
4 house?
5 A. I kept it at home.
6 Q. Do you know who Brandon Gallion is?
7 A. Yes.
8 Q. Is he a friend of yours?
9 A. I was friends with him and his brother.
10 Q. Anthony?
11 A. Yes.
12 Q. How long have you been their friends?
13 A. Well, I'm not friends anymore. I was
14 friends. We were probably friends for probably a year,
15 two years.
16 Q. You were a friend of Brandon and Anthony
17 Gallion on July 18th, 2003?
18 A. Yes.
19 Q. Why are you no longer friends with Brandon
20 and Anthony Gallion?
21 A. I just don't want anything to do with any of
22 those other kids.
23 Q. What other kids?
24 A. Any of the kids that I got in trouble with.
25 Q. Why's that?

14 (Pages 53 to 56)

Christopher Farley Volume 1 September 9, 2005

Page 57	Page 59
<p>1 A. I just want to go on with my life, do my, you</p> <p>2 know, start my life. I'm 20 years old. I need to just</p> <p>3 move on.</p> <p>4 Q. Time to grow up?</p> <p>5 A. Yes.</p> <p>6 Q. Time to start doing what's right?</p> <p>7 A. Yes.</p> <p>8 Q. You don't think those kids were a good</p> <p>9 influence on you?</p> <p>10 A. No, I don't.</p> <p>11 Q. Do you know who, strike that. Have you ever</p> <p>12 been to parties with Brandon or Anthony Gallion?</p> <p>13 A. Yeah.</p> <p>14 Q. How many parties would you say you have been</p> <p>15 to with them?</p> <p>16 A. A lot. I don't recall.</p> <p>17 Q. Would you say more than 20?</p> <p>18 A. I wouldn't say that. Around 20 probably.</p> <p>19 Q. And that's prior to July 18th and including</p> <p>20 July 18th, 2003?</p> <p>21 A. Yes.</p> <p>22 Q. Have you seen them since July 18th, 2003?</p> <p>23 A. No, I haven't.</p> <p>24 Q. You ever been over to their house?</p> <p>25 A. No, I haven't.</p>	<p>1 Q. More towards the gate entrances to your</p> <p>2 development?</p> <p>3 A. More south.</p> <p>4 Q. Okay, more south.</p> <p>5 A. He lived down towards the back end of the</p> <p>6 development.</p> <p>7 Q. Okay. Down towards the I-215 area?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 A. Yes.</p> <p>11 Q. And you knew him when you lived in that</p> <p>12 development; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. You guys hung out together on occasion?</p> <p>15 A. No. I wouldn't, no.</p> <p>16 Q. So you weren't friends?</p> <p>17 A. Not really.</p> <p>18 Q. Why weren't you friends?</p> <p>19 A. I was friends with his older brother. We</p> <p>20 were both into building trucks. I'd see him when we'd</p> <p>21 be out in the garage or something.</p> <p>22 Q. What's his older brother's name?</p> <p>23 A. Richard.</p> <p>24 Q. Richard Aguilar?</p> <p>25 A. Yes.</p>
Page 58	Page 60
<p>1 Q. They ever been to your house?</p> <p>2 A. No.</p> <p>3 Q. Do you know who Brad Aguilar is?</p> <p>4 A. Yes.</p> <p>5 Q. What kind of vehicle was he driving in July</p> <p>6 of 2003?</p> <p>7 A. We had a green Jeep Wrangler.</p> <p>8 Q. Like one of those ones you go off road with?</p> <p>9 A. Yes.</p> <p>10 Q. Is he a friend of yours?</p> <p>11 A. I knew him. He lived down the street from</p> <p>12 me. I was friends with his older brother. That's how</p> <p>13 I knew him.</p> <p>14 Q. He lived down the street from you when you</p> <p>15 live on --</p> <p>16 A. I lived on.</p> <p>17 Q. -- Deer Springs?</p> <p>18 A. Deer Springs, yes.</p> <p>19 Q. Deer Springs address?</p> <p>20 A. Yes.</p> <p>21 Q. Which direction did he live down the street?</p> <p>22 Did he live east of you or west of you?</p> <p>23 A. West is that way, east.</p> <p>24 Q. He lived east of you?</p> <p>25 A. Yes.</p>	<p>1 Q. You ever go to any parties where Brad Aguilar</p> <p>2 was there?</p> <p>3 A. I've been to a few.</p> <p>4 Q. When you say a few, is that more or less than</p> <p>5 five?</p> <p>6 A. I would say around five.</p> <p>7 Q. Was that prior to and including July 18th,</p> <p>8 2003?</p> <p>9 A. Yes.</p> <p>10 Q. Do you know who Chris Morgan is?</p> <p>11 A. Yeah.</p> <p>12 Q. Does Chris Morgan look like Scott Morse or do</p> <p>13 they look different?</p> <p>14 A. I don't think they look the same. I think</p> <p>15 they look different.</p> <p>16 Q. Okay. And are you a friend of Chris Morgan?</p> <p>17 A. No.</p> <p>18 Q. Have you ever been a friend of Chris Morgan?</p> <p>19 A. No.</p> <p>20 Q. Why have you never been a friend of Chris</p> <p>21 Morgan's?</p> <p>22 A. I've just never really hung out with the kid,</p> <p>23 never really sat down and talked to him, got to know</p> <p>24 him.</p> <p>25 Q. You ever been to a party where Chris Morgan</p>

15 (Pages 57 to 60)

Christopher Farley Volume 1 September 9, 2005

Page 61

1 has been present?
 2 A. Yeah.
 3 Q. How many, would you say?
 4 A. I don't recall. Under ten.
 5 Q. Over five, under ten?
 6 A. Yes.
 7 Q. Was that prior to and including July 18th,
 8 2003?
 9 A. Yes.
 10 THE VIDEOGRAPHER: I'm sorry, I'm hearing
 11 your microphone cable.
 12 THE WITNESS: Oh, I'm sorry. I'm just
 13 twiddling my fingers.
 14 MR. BOWEN: That's all right. That happens.
 15 Are we okay?
 16 THE VIDEOGRAPHER: Yes.
 17 Q. (By Mr. Bowen) Do you know who Ja Red or
 18 Jared Rose is?
 19 A. Jared Rose, yes.
 20 Q. Did Jared Rose drive a dark blue pickup in
 21 July of 2003?
 22 A. Yes, it was a Chevy.
 23 Q. A Chevy pickup, right?
 24 A. Yes.
 25 Q. Jared Rose a friend of yours?

Page 62

1 A. We were friends, but not very close.
 2 Q. What do you, why, tell me why he's not a
 3 close friend, why you don't consider him a close
 4 friend.
 5 A. I'd see him when I would go to like Best Buy
 6 or something because I was always buying stuff for my
 7 car, audio. You know, I'd talk to him there. Every
 8 once in awhile we'd go see a movie with some girls or
 9 something. But I never, you know, we didn't ever
 10 really become close friends.
 11 Q. But you would socialize with him; is that
 12 correct?
 13 A. Yes.
 14 Q. And what girls did you have mutual
 15 friendships with?
 16 A. I don't remember who they were.
 17 Q. Ashley Erickson?
 18 A. We never really went, hung out with her.
 19 Q. You don't remember any other girls you went
 20 to movies with?
 21 A. No, I don't.
 22 Q. Now, he goes by the pronunciation Ja Red; is
 23 that correct?
 24 A. Yes, yes.
 25 Q. Now, Ja Red, have you ever been to his house

Page 63

1 in Las Vegas?
 2 A. I've been to it twice.
 3 Q. And which house, do you remember, strike
 4 that. On the two occasions were they the same house?
 5 A. No.
 6 Q. Different houses?
 7 A. Different house.
 8 Q. Okay. Let's talk about the first time.
 9 Where was his house?
 10 A. First time it was more up the street from
 11 where the incident happened. I guess it was his house,
 12 his parent's house.
 13 Q. So the first time you went to his house was
 14 at a house up the street from where the incident
 15 happened involving Tanner?
 16 A. Yes.
 17 Q. Is that correct? Is that correct?
 18 A. Yes.
 19 Q. When did you go there? Was that prior to
 20 July 18th, 2003?
 21 A. Yes.
 22 Q. Was that to a kicking it party?
 23 A. No.
 24 Q. Was that just to go there and kick it?
 25 A. It was, I just called him and told him I was

Page 64

1 going to come over, and then me and him, we just both
 2 left. He was getting ready to go out.
 3 Q. You guys have a couple of beers together or
 4 anything?
 5 A. No.
 6 Q. You ever drink with him at his house?
 7 A. No.
 8 Q. Where would you go, where would you go to
 9 parties where Ja Red was present other than at the
 10 house down the street where the incident happened
 11 involving Tanner?
 12 A. I don't remember where they're at. Like
 13 where would me and him go?
 14 Q. Well, where would you be at a party and he
 15 was at the party?
 16 A. I don't know.
 17 Q. Do you remember going to the basin where he
 18 was present?
 19 A. I've seen him a few times out there.
 20 Q. How about at end of Jones?
 21 A. Yes, a few times.
 22 Q. What other houses would you go to and have
 23 parties? Would you go to anybody's house that you
 24 recall other than Ja Red's, if you were to go to a
 25 house?

16 (Pages 61 to 64)

Christopher Farley Volume 1 September 9, 2005

Page 65	Page 67
<p>1 A. We would go to Lindsay's house sometimes.</p> <p>2 Q. Lindsay Gilbert?</p> <p>3 A. No, Lindsay Patternitti.</p> <p>4 Q. Lindsay Patternitti?</p> <p>5 A. Yes.</p> <p>6 Q. Who was she dating in July of 2003, if you</p> <p>7 know?</p> <p>8 A. Some kid Derrick. I don't know who he was.</p> <p>9 Q. Was Lindsay a friend of yours?</p> <p>10 A. Yeah.</p> <p>11 Q. Did Lindsay drink?</p> <p>12 A. Yes.</p> <p>13 Q. Would you drink at her house?</p> <p>14 A. Yes.</p> <p>15 Q. Where were her parents?</p> <p>16 A. Her mom was always working. I don't know</p> <p>17 where her dad's at.</p> <p>18 Q. Okay. So her parents were never around when</p> <p>19 you guys were there partying?</p> <p>20 A. Yeah.</p> <p>21 Q. How many times would you say you partied at</p> <p>22 Lindsay's house?</p> <p>23 A. Probably about ten.</p> <p>24 Q. Prior to July 18th, 2003?</p> <p>25 A. Yes.</p>	<p>1 Q. You've seen that?</p> <p>2 A. I've seen it on the news.</p> <p>3 Q. Did you ever see Scott Morse at any of those</p> <p>4 parties at Lindsay's house?</p> <p>5 A. No.</p> <p>6 Q. You ever see Jeff Hart at any of those</p> <p>7 parties?</p> <p>8 A. No.</p> <p>9 Q. Steve Gazlay?</p> <p>10 A. Yes.</p> <p>11 Q. Mat Costello?</p> <p>12 A. No.</p> <p>13 Q. The Gallions?</p> <p>14 A. No.</p> <p>15 Q. Dominic Harriman?</p> <p>16 A. No.</p> <p>17 Q. Chris Morgan?</p> <p>18 A. No.</p> <p>19 Q. Bryan Bushy?</p> <p>20 A. No.</p> <p>21 Q. Who would generally be there other than you</p> <p>22 and Lindsay, if you remember?</p> <p>23 A. Me, Lindsay, Steven.</p> <p>24 Q. Steven Gazlay?</p> <p>25 A. Yeah, Steve Gazlay. Sometimes his</p>
Page 66	Page 68
<p>1 Q. You like going over there?</p> <p>2 A. Yeah.</p> <p>3 Q. Who would you go over there with generally</p> <p>4 when you would go over there and party?</p> <p>5 A. I'd just go by myself.</p> <p>6 Q. How would you find out about the parties?</p> <p>7 would Lindsay call you or would you find out about it?</p> <p>8 A. Well, she would call me and I would always go</p> <p>9 over there before the party started.</p> <p>10 Q. You were pretty good friends with her?</p> <p>11 A. Yeah. We hung out, you know, maybe four</p> <p>12 times a week before.</p> <p>13 Q. Is she a fighter? Did she like to fight?</p> <p>14 A. Yeah, she was a, you know, she was pretty</p> <p>15 rowdy.</p> <p>16 Q. Pretty rowdy, like to get down and fight with</p> <p>17 other girls?</p> <p>18 A. Yeah.</p> <p>19 Q. Pull hair, kick?</p> <p>20 A. Yeah.</p> <p>21 Q. Fight, pinch, hit?</p> <p>22 A. Yeah.</p> <p>23 Q. She's on those videos; is that correct,</p> <p>24 fighting?</p> <p>25 A. Yes.</p>	<p>1 girlfriend, Jennifer.</p> <p>2 Q. Jennifer Hopkins?</p> <p>3 A. Yes. She would bring over a few girls. I</p> <p>4 don't know who they were. There was just this kid,</p> <p>5 Derrick, I don't know who he was. Not her boyfriend,</p> <p>6 but there was another kid, Derrick. And he would</p> <p>7 always bring over a few guys.</p> <p>8 Q. You were pretty good friends with Steven at</p> <p>9 that time?</p> <p>10 A. No.</p> <p>11 Q. No?</p> <p>12 A. No.</p> <p>13 Q. How many times would you say you had a party</p> <p>14 at Lindsay's with Steven present?</p> <p>15 A. He was only there a few times.</p> <p>16 Q. Only a few?</p> <p>17 A. Yeah.</p> <p>18 Q. Why don't we take a break for five minutes,</p> <p>19 can we, Chris?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 (Whereupon, a recess was taken.)</p> <p>23 Q. (By Mr. Bowen) Okay. Chris, we took a</p> <p>24 little break here. Let's get back to some questions.</p> <p>25 Are you able to go on?</p>

17 (Pages 65 to 68)

Christopher Farley Volume 1 September 9, 2005

Page 69	Page 71
<p>1 A. Yes.</p> <p>2 Q. Okay. All right. Do you know a Courtney</p> <p>3 Brierschmidt?</p> <p>4 A. No.</p> <p>5 Q. You do know Jessica Webb; is that correct?</p> <p>6 A. No.</p> <p>7 Q. You know Brita Highlander?</p> <p>8 A. No.</p> <p>9 Q. Kenny LaPort?</p> <p>10 A. No.</p> <p>11 Q. Mat Reed?</p> <p>12 A. Yes.</p> <p>13 Q. Mat Reed a friend of yours?</p> <p>14 A. No.</p> <p>15 Q. Why is he not a friend of yours?</p> <p>16 A. Me and him, we've never really gotten along.</p> <p>17 Q. Why is that?</p> <p>18 A. I don't, it had to do with a girl in high</p> <p>19 school and I guess it just followed us through.</p> <p>20 Q. Did you ever go to parties where he was at?</p> <p>21 A. Yeah, he'd be at a few and I'd just leave.</p> <p>22 Q. Do you know a Bonnie?</p> <p>23 A. Bonnie?</p> <p>24 Q. Bonnie Smith?</p> <p>25 A. Yes, I do.</p>	<p>1 I don't.</p> <p>2 Q. Do you know a Josh wood?</p> <p>3 A. No.</p> <p>4 Q. Do you know a T. J. Carter?</p> <p>5 A. Yes.</p> <p>6 Q. How do you know T. J. Carter?</p> <p>7 A. I know him from school. That's where I first</p> <p>8 met him.</p> <p>9 Q. T. J. Carter a fighter?</p> <p>10 A. Yes.</p> <p>11 Q. Like to fight?</p> <p>12 A. Yeah.</p> <p>13 Q. What other people that you would kick it with</p> <p>14 on occasion, go to parties with that you understood</p> <p>15 liked to fight other than T. J.?</p> <p>16 A. He was mainly the only one that would really,</p> <p>17 you know, seemed like they're going out of their way to</p> <p>18 find a fight.</p> <p>19 Q. Do you know a Colleen Reed or Coleen Reed?</p> <p>20 A. No.</p> <p>21 Q. Did you ever talk to Jeff Hart when you were</p> <p>22 locked up?</p> <p>23 A. Yeah. They had us in the same module</p> <p>24 together.</p> <p>25 Q. Okay. You guys talked about what happened</p>
Page 70	Page 72
<p>1 Q. Do you know what kind of car she drove in</p> <p>2 July of 2003?</p> <p>3 A. No, I don't.</p> <p>4 Q. You don't ever equate Bonnie with a white or</p> <p>5 dark, or a light beige Jeep?</p> <p>6 A. No, I've never seen a brown Jeep, or.</p> <p>7 Q. Do you know a Kayla Pennington or Pentington?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know if Kayla Pentington, strike that.</p> <p>10 was Kayla a friend of yours?</p> <p>11 A. Yeah, yeah.</p> <p>12 Q. Kayla Pentington dating Mat Costello?</p> <p>13 A. Yeah.</p> <p>14 Q. That was in July of 2003?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know a Travis Scalise?</p> <p>17 A. No.</p> <p>18 Q. Do you know a Patrick McLane?</p> <p>19 A. No.</p> <p>20 Q. Do you know a Brian Garcia?</p> <p>21 A. No.</p> <p>22 Q. Chris Gilbert?</p> <p>23 A. No.</p> <p>24 Q. T. J. Gieke?</p> <p>25 A. I've met him once, but I don't know him, no,</p>	<p>1 that night of July 18th in lockup; is that correct?</p> <p>2 A. No.</p> <p>3 Q. You didn't?</p> <p>4 A. Nobody ever really talked about it in there.</p> <p>5 Q. So you did not talk with Jeff Hart about what</p> <p>6 happened on July 18th, 2003?</p> <p>7 A. No.</p> <p>8 Q. Did you talk to anybody at any time in jail</p> <p>9 about what happened on July 18th, 2003?</p> <p>10 A. No, I didn't.</p> <p>11 Q. Have you ever told Austin Bazzoli what</p> <p>12 happened on July 18th, 2003?</p> <p>13 A. No. I really don't like talking about it. I</p> <p>14 haven't really talked about it with anybody.</p> <p>15 Q. Did you ever talk with Ashley Erickson about</p> <p>16 what happened on July 18th, 2003?</p> <p>17 A. No.</p> <p>18 Q. Okay. On July 18th, 2003 how old were you?</p> <p>19 A. I think I was --</p> <p>20 Q. Eighteen?</p> <p>21 A. -- eighteen years old.</p> <p>22 Q. You just turned 18 in that April?</p> <p>23 A. Yes, I did.</p> <p>24 Q. All right. And were you working at that</p> <p>25 time?</p>

18 (Pages 69 to 72)

Christopher Farley Volume 1 September 9, 2005

Page 73	Page 75
<p>1 A. Yes, I was.</p> <p>2 Q. Where were you working?</p> <p>3 A. Big Town Mechanical.</p> <p>4 Q. Did you work on July 18th, 2003?</p> <p>5 A. No, I didn't.</p> <p>6 Q. What were you doing prior to the party on</p> <p>7 July 18th, 2003?</p> <p>8 A. I was at home.</p> <p>9 Q. Home with whom?</p> <p>10 A. My parents.</p> <p>11 Q. And then what did you do after you were home?</p> <p>12 A. I.</p> <p>13 Q. Where did you go?</p> <p>14 A. I hadn't gone anywhere. I was home all day.</p> <p>15 Q. Did you eventually leave?</p> <p>16 A. Yeah. When I left I went straight to the</p> <p>17 party.</p> <p>18 Q. So when you left you drove straight to the</p> <p>19 party?</p> <p>20 A. Yes.</p> <p>21 Q. You never went to a park?</p> <p>22 A. Well, no. Yes, we did go to a park, but we</p> <p>23 were only there for like ten minutes. Then we'd gone</p> <p>24 straight to the party.</p> <p>25 Q. When you went to the park did you go by</p>	<p>1 Q. How did you know Tanner?</p> <p>2 A. I'd met him the day before at a girl,</p> <p>3 Courtney's house.</p> <p>4 Q. Courtney who?</p> <p>5 A. I don't know her last name.</p> <p>6 Q. Okay.</p> <p>7 A. He was there with Joe Grill and Craig</p> <p>8 Lefevre.</p> <p>9 Q. So you knew who Joe Grill and Craig Lefevre</p> <p>10 were; is that correct?</p> <p>11 A. Yes, I did.</p> <p>12 Q. And you didn't see Tanner at all at the</p> <p>13 Mountain Crest Park July 18th, 2003?</p> <p>14 A. No, I didn't.</p> <p>15 Q. And you didn't see Joe Grill there, either?</p> <p>16 A. No.</p> <p>17 Q. And you didn't see Craig Lefevre there,</p> <p>18 either?</p> <p>19 A. No.</p> <p>20 Q. Did you know what Craig Lefevre drove, what</p> <p>21 kind of car or truck he drove at that time?</p> <p>22 A. I don't know what he was driving at that</p> <p>23 time.</p> <p>24 Q. Okay. You knew what he was driving later on</p> <p>25 that night; is that correct?</p>
Page 74	Page 76
<p>1 yourself?</p> <p>2 A. Yes.</p> <p>3 Q. In fact, you know Mountain Crest Park, right?</p> <p>4 A. Yes, I do.</p> <p>5 Q. That's also another place where you would</p> <p>6 kick it on occasion; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. You go and you meet your friends there and</p> <p>9 you decide what you're going to do that night?</p> <p>10 A. Yes.</p> <p>11 Q. And do a little drinking at the park?</p> <p>12 A. Yeah.</p> <p>13 Q. On occasion; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. An that was in the summer of 2003?</p> <p>16 A. Yes.</p> <p>17 Q. You saw Ashley Erickson at the park that</p> <p>18 night; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. And you saw Tanner Hansen at the park that</p> <p>21 night; is that correct?</p> <p>22 A. No.</p> <p>23 Q. Did you know who Tanner Hansen was prior to</p> <p>24 July 18th, 2003?</p> <p>25 A. Yes.</p>	<p>1 A. Yes, I knew it was a truck later that night,</p> <p>2 but.</p> <p>3 Q. Okay. Now, when you went to the park then</p> <p>4 who do you remember seeing?</p> <p>5 A. Mark Herman. He, me and him met there, Jared</p> <p>6 was there because he was going to show us all to where</p> <p>7 his house was at. And then Mark, he kept his truck</p> <p>8 parked and car pooled with me from there to the party.</p> <p>9 Q. If Ashley Erickson has stated under oath that</p> <p>10 she and you were close friends, would you agree with</p> <p>11 that?</p> <p>12 A. She, she thought she was real close with me,</p> <p>13 but I never considered me and her close friends.</p> <p>14 Q. And you don't remember seeing her at the park</p> <p>15 that night?</p> <p>16 A. I remember Jennifer. Jennifer was there,</p> <p>17 Steven's girlfriend.</p> <p>18 Q. Jennifer Hopkins?</p> <p>19 A. Jennifer Hopkins was there. She had two</p> <p>20 girls with her, but I don't recall seeing Ashley.</p> <p>21 Q. And you don't recall who the two girls were</p> <p>22 with Jennifer?</p> <p>23 A. No, I don't.</p> <p>24 Q. So if it was Ashley Erickson you don't have</p> <p>25 any recollection of that?</p>

19 (Pages 73 to 76)

Christopher Farley Volume 1 September 9, 2005

Page 77

1 A. No, I don't.
 2 Q. All right. Did you see any boys with
 3 Jennifer Hopkins?
 4 A. No.
 5 Q. So you never saw any male persons around --
 6 A. No.
 7 Q. -- Jennifer Hopkins at the park?
 8 A. No, I didn't.
 9 Q. Never said anything to anybody about, you
 10 never used the word faggot?
 11 A. No.
 12 Q. Directed towards anybody at the park?
 13 A. No, I didn't.
 14 Q. You know what that word is, right?
 15 A. Yes.
 16 Q. You've used that before?
 17 A. Yes.
 18 Q. You've called people that word before; is
 19 that correct?
 20 A. I think my little brothers, but I've never
 21 walked up and really called somebody a faggot or
 22 something, you know.
 23 Q. You don't recall directing that term towards
 24 anybody else at the park that night?
 25 A. No, I don't.

Page 78

1 Q. All right. How long were you at the park?
 2 A. Only like ten minutes. It wasn't very long.
 3 Q. Why did you go to the park?
 4 A. Because I didn't know where Jared's house was
 5 and that's where I was meeting him.
 6 Q. How did you find out that there was something
 7 happening at Jared's house?
 8 A. He called me.
 9 Q. What did he say?
 10 A. Well, I had missed a few parties before, I
 11 guess he had because I was out of town and he said, you
 12 know, "Farley, come to this one," you know. That's
 13 what they called me, Farley. And he said, you know,
 14 "Don't miss this one. You're in town, you better come
 15 to this one." So I said, "Oh, okay."
 16 Q. So you understood from Ja Red that he had
 17 thrown some parties before that summer and you missed
 18 them?
 19 A. Yes.
 20 Q. And he didn't want you to miss this one he
 21 was throwing?
 22 A. Yeah.
 23 Q. Did you understand this was going to be one
 24 or two friends or did you understand this was going to
 25 be a party?

Page 79

1 A. I understood this was, well, they didn't
 2 really name it a party, it was more of going to be a
 3 kickback.
 4 Q. Okay, kickback, but you understood there was
 5 going to be more than a few people there, right?
 6 A. Yes.
 7 Q. All right. And did you talk to Jared when
 8 you found out about the party or did he leave a
 9 message?
 10 A. He called me. I, we talked.
 11 Q. What else did he tell you other than,
 12 "Farley, you better not miss this one"?
 13 A. It was just that.
 14 Q. Did you tell him you were coming?
 15 A. I said, "Sure, why not?"
 16 Q. Did you invite anybody else?
 17 A. I had called Mark and told him.
 18 Q. Mark Herman?
 19 A. Yeah.
 20 Q. That's kind of the way it was done if I
 21 understand, that Ja Red or whoever was throwing the
 22 party wouldn't call everybody, he would call a few
 23 people and then they'd call everybody.
 24 A. And then they would call, and yeah, it would
 25 just spread out that away.

Page 80

1 Q. Spread out that way, pretty commonplace?
 2 A. Yeah.
 3 Q. Okay. So did Mark Herman come?
 4 A. Yes, he did.
 5 Q. Did you talk to Mark Herman before he came or
 6 did you just leave a message and then he showed up?
 7 A. I called him, we talked.
 8 Q. Okay. What did you tell him?
 9 A. I told him, "Jared's having a party, you want
 10 to go?" And he said, "Yeah, sure, why not?" And I
 11 said, "Meet me at the park."
 12 Q. Did he meet you at the park?
 13 A. Yes.
 14 Q. And then did he ride you with you or you with
 15 him?
 16 A. I rode, he rode with me in my truck.
 17 Q. What did he do with his vehicle?
 18 A. He just kept it parked.
 19 Q. At the park?
 20 A. Yes.
 21 Q. What was he driving that night?
 22 A. He had an S-10.
 23 Q. Chevy S-10?
 24 A. Yes, Chevy S-10. It was red.
 25 Q. Okay. All right. And then he climbed in

20 (Pages 77 to 80)

Christopher Farley Volume 1 September 9, 2005

<p style="text-align: right;">Page 81</p> <p>1 your pickup with you?</p> <p>2 A. Yes.</p> <p>3 Q. who else got in with you, if anybody, Chris?</p> <p>4 A. That was it.</p> <p>5 Q. And then when you were, when you left the</p> <p>6 park where did you directly go?</p> <p>7 A. Straight to the house.</p> <p>8 Q. when Mark Herman got to the park was he</p> <p>9 drinking?</p> <p>10 A. No.</p> <p>11 Q. Do you think he had been drinking, in other</p> <p>12 words.</p> <p>13 A. I don't recall if he had drunken (sic)</p> <p>14 before.</p> <p>15 Q. okay. Let me ask it this way, okay?</p> <p>16 A. okay.</p> <p>17 Q. You're doing a nice job responding. Let me</p> <p>18 just ask it this way. I understand that you indicated</p> <p>19 you didn't see him drink when you got to the park,</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Did you smell alcohol on him or was he</p> <p>23 behaving in any way that led you to believe that he had</p> <p>24 been drinking?</p> <p>25 A. He's always weird, so I really can't tell</p>	<p style="text-align: right;">Page 83</p> <p>1 A. Herman, yeah. It was Old English Herman.</p> <p>2 Q. And Old English type style writing?</p> <p>3 A. yeah.</p> <p>4 Q. With tattooed Herman?</p> <p>5 A. Yes.</p> <p>6 Q. And a tattoo with some stars or something on</p> <p>7 his left arm?</p> <p>8 A. On, he had a star on this arm and a star on</p> <p>9 this arm, just single stars.</p> <p>10 Q. And then he had a necklace with an iron cross</p> <p>11 on the necklace?</p> <p>12 A. Yeah.</p> <p>13 Q. All right. And do you remember what kind of</p> <p>14 shoes he was wearing that night?</p> <p>15 A. No.</p> <p>16 Q. Do you remember what kind of belt he had on,</p> <p>17 or if he had a belt?</p> <p>18 A. I don't know if he had a belt on or not.</p> <p>19 Q. What were you wearing that night?</p> <p>20 A. Me, I was in my usual, I always wore it was</p> <p>21 blue jeans and a white T-shirt. I was, that's all I</p> <p>22 ever wore.</p> <p>23 Q. Was it a white T-shirt like you've got on</p> <p>24 now?</p> <p>25 A. Yes, it was exactly like one of these.</p>
<p style="text-align: right;">Page 82</p> <p>1 when he's drunk or not.</p> <p>2 Q. What do you mean, he's always kind of weird?</p> <p>3 A. He's just loud, just bouncing around. He's a</p> <p>4 real immature older guy, you know, just, you can't tell</p> <p>5 if he's drunk or if he's sober.</p> <p>6 Q. Okay. What was he wearing that night? Give</p> <p>7 me your best recollection.</p> <p>8 A. He, I know for a fact he was wearing red</p> <p>9 Dickie shorts because he always wore those, but I don't</p> <p>10 know what kind of shirt he was wearing.</p> <p>11 Q. Okay. And what was his appearance like? I</p> <p>12 mean, can you describe him for me, what color hair,</p> <p>13 what build?</p> <p>14 A. He had dark hair, he had a goatee, he was a</p> <p>15 pretty stock guy, about my height, pretty tan. He had</p> <p>16 some tattoos.</p> <p>17 Q. What kind of tattoos did he have?</p> <p>18 A. He had a chain around his neck with an iron</p> <p>19 cross in the center of his chest. He had Herman across</p> <p>20 his back and he had some stars or something on his</p> <p>21 triceps on both arms.</p> <p>22 Q. The Herman across his back, that was a tattoo</p> <p>23 with --</p> <p>24 A. It was on his lower back.</p> <p>25 Q. Oh, I'm sorry, his lower back.</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. So it wasn't a wife beater?</p> <p>2 A. No, it was just an undershirt.</p> <p>3 Q. You've heard of that term, wife beater,</p> <p>4 right?</p> <p>5 A. Yes, I have.</p> <p>6 Q. And that's more of kind of like a lower?</p> <p>7 A. Like a tank top, kind of.</p> <p>8 Q. Tank top. Okay. And what kind of belt did</p> <p>9 you have on that night, if you did?</p> <p>10 A. I had a studded belt with a large iron cross.</p> <p>11 Q. So you had an iron cross on the front of your</p> <p>12 belt as a belt buckle?</p> <p>13 A. Yes.</p> <p>14 Q. And then what kind of shoes did you have on?</p> <p>15 A. I don't remember.</p> <p>16 Q. What was your hair like then? I mean, you</p> <p>17 kind of have a golden blondish or reddish tint now.</p> <p>18 A. It was more blonde then. It was a lot</p> <p>19 lighter.</p> <p>20 Q. Was it about styled like it is now, at about</p> <p>21 that same height?</p> <p>22 A. No, I kept it shaved a little bit lower. I</p> <p>23 always kept it buzzed with about a four.</p> <p>24 Q. Okay. Four size buzz cut?</p> <p>25 A. Yeah.</p>

21 (Pages 81 to 84)

Christopher Farley Volume 1 September 9, 2005

Page 85

1 Q. Okay.

2 A. All the same length.

3 Q. Why did you keep it shaved with the four size

4 buzz cut? Did you just like that or was there some

5 special reason?

6 A. Well, I work construction. Wearing a hard

7 hat for eight hours, it's no fun with hair. So I cut

8 my hair high and tight.

9 Q. Okay. All right. And do you remember what

10 Jennifer Hopkins was wearing that night?

11 A. No.

12 Q. All right. Now, Jennifer Hopkins, you knew

13 her quite well; is that correct?

14 A. Not quite well, but I knew her.

15 Q. You knew she was Steven's girlfriend, right?

16 A. Yes.

17 Q. Did you believe that she was Steven's

18 girlfriend that night?

19 A. You know what? I think I had heard that they

20 had broken up, that they weren't together that night.

21 At the time they were not boyfriend and girlfriend.

22 Q. So you knew when you were at the park or you

23 were under the assumption at the park that night that

24 Steven and Jennifer had broken up?

25 A. Yes.

Page 86

1 Q. That they'd had a parting, or?

2 A. Taken time off.

3 Q. Taken time off. Okay. Now, what did you

4 think about that? Did you think anything about that or

5 just you didn't care?

6 A. Well, I was fairly interested. She's a good

7 looking girl, you know.

8 Q. So you had some interest in her?

9 A. So I had some, you know, interest into going

10 to that party and trying to see if I could talk to her.

11 Q. You thought she may be available, right?

12 A. Yes.

13 Q. You kind of maybe had a little romantic

14 interest in her?

15 A. No, I thought she was a good-looking girl.

16 Q. Okay. And so, and you don't remember what

17 she was wearing, correct?

18 A. No, I don't.

19 Q. All right. Did you proceed directly from the

20 park to Ja Red's house?

21 A. Yes.

22 Q. How did you get there? Which way did you

23 drive, in other words?

24 A. We went all the way down Buffalo to Craig

25 something ranch or something. I don't know the road

Page 87

1 exactly. It's right in between the two casinos up

2 there, right across the street from the Cloud Nine golf

3 course.

4 Q. Alta?

5 A. No, it was, how did we get there?

6 MR. SKAGGS: Canyon Run?

7 THE WITNESS: Canyon Run. There, that's it.

8 Q. (By Mr. Bowen) Okay.

9 A. Went all the way down Buffalo to Canyon Run,

10 made a right and that takes you right to the front gate

11 of the complex.

12 Q. And you had been to Ja Red's development

13 before?

14 A. Just once.

15 Q. Did he have to tell you how to get there

16 again or did you know your way?

17 A. I just followed, I followed people.

18 Q. Did you follow people to the party that

19 night?

20 A. Yes.

21 Q. Who did you follow to the party?

22 A. I followed Jared.

23 Q. So how did you meet up with Jared then to get

24 to follow him to his house?

25 A. We all met at the park.

Page 88

1 Q. So Ja Red came to the park?

2 A. Yeah.

3 Q. Who was with him?

4 A. I don't think he had anybody with him.

5 Q. Did you know that he was coming to the park?

6 A. Yes.

7 Q. Tell me what led to that.

8 A. Well, he had called me and said he was

9 throwing a party. I said I forget how to get there.

10 I'd only been there once. He said just meet at the

11 park. I said okay.

12 Q. Because that's where you would hang out and

13 kick it?

14 A. It was like a meeting place.

15 Q. Okay. All right. So did Ja Red take anybody

16 with him in his truck?

17 A. I don't recall.

18 Q. Okay. Was he the only person you followed to

19 the party?

20 A. Yes.

21 Q. Did anybody follow you to the party that

22 you're aware?

23 A. I'm not aware if anybody had.

24 Q. When you left the park did Jennifer leave the

25 park, too, or was she there when you left?

22 (Pages 85 to 88)

Christopher Farley Volume 1 September 9, 2005

Page 89	Page 91
<p>1 A. She was still there when I had left.</p> <p>2 Q. And before you left you didn't see her with</p> <p>3 any male guys?</p> <p>4 A. No.</p> <p>5 Q. All right. So you went to, and how did you</p> <p>6 get in the gate?</p> <p>7 A. He, Jared had opened up the gate and I just</p> <p>8 followed him in.</p> <p>9 Q. And then what did you do when you went</p> <p>10 through the gate? Did you turn left or right?</p> <p>11 A. Turned left.</p> <p>12 Q. Where did you go?</p> <p>13 A. Went all the way down to the end of the</p> <p>14 street. There's a little cul-de-sac.</p> <p>15 Q. Did you stop at Jar Red's other house that</p> <p>16 you had been to a party before?</p> <p>17 A. No.</p> <p>18 Q. You went past that house?</p> <p>19 A. Past that house.</p> <p>20 Q. And all the way down to the end?</p> <p>21 A. Yes.</p> <p>22 Q. Where there's kind of a circular cul-de-sac</p> <p>23 there?</p> <p>24 A. Yes.</p> <p>25 Q. Where did you park? Did you park inside the</p>	<p>1 A. Nobody parked behind me.</p> <p>2 Q. So the only time you saw people park on the</p> <p>3 driveway was your truck and Ja Red's?</p> <p>4 A. Yeah. Everybody else was, they were around</p> <p>5 the cul-de-sac and then down and up the street.</p> <p>6 Q. Down, up Canyon Mesa?</p> <p>7 A. Yes.</p> <p>8 Q. All right. Now, when you pulled into the</p> <p>9 development was it dark at that time?</p> <p>10 A. Yes.</p> <p>11 Q. What time do you think that was? Give me</p> <p>12 your best recollection.</p> <p>13 A. I'd probably say 8:00, 9:00ish. I really</p> <p>14 can't, I don't recall.</p> <p>15 Q. 8:00 or 9:00ish?</p> <p>16 A. Yeah.</p> <p>17 Q. Okay, that's fair enough. And then when you</p> <p>18 got down in the cul-de-sac area did you see any other,</p> <p>19 see any other people that you knew? Anybody else</p> <p>20 around?</p> <p>21 A. There was this girl, the Courtney that I was</p> <p>22 with the day before. I had met her there. She pulled</p> <p>23 up with Brian Pillsbury.</p> <p>24 Q. You knew Brian?</p> <p>25 A. Yeah, I knew Brian.</p>
Page 90	Page 92
<p>1 cul-de-sac or in a driveway or across the street?</p> <p>2 A. I parked in the driveway.</p> <p>3 Q. In the driveway?</p> <p>4 A. Yeah.</p> <p>5 Q. Which driveway did you park on?</p> <p>6 A. The one, if you go down there's a driveway</p> <p>7 right smack dead, right in front. It loops around and</p> <p>8 goes to the house we were at. I parked in that one.</p> <p>9 Q. You parked right on the driveway?</p> <p>10 A. Right on the driveway, right in the middle.</p> <p>11 Q. Did anybody park on the driveway with you?</p> <p>12 A. Jared was on the driveway, but I was the only</p> <p>13 other one.</p> <p>14 Q. So Jared's truck was ahead of your truck?</p> <p>15 A. Yes.</p> <p>16 Q. Did he pull right up to the garage door --</p> <p>17 A. Yes.</p> <p>18 Q. -- area at 9201?</p> <p>19 A. Yes.</p> <p>20 Q. And that was the last house, 9201 Canyon</p> <p>21 Mesa?</p> <p>22 A. Yes.</p> <p>23 Q. All right. Did anybody at any time that</p> <p>24 night that you recall, Chris, did they park behind your</p> <p>25 truck in the driveway?</p>	<p>1 Q. He was a friend of yours at that time, right?</p> <p>2 A. Yeah.</p> <p>3 Q. What did he have on that night, Brian</p> <p>4 Pillsbury?</p> <p>5 A. I don't remember what he was wearing.</p> <p>6 Q. What was Courtney wearing that night?</p> <p>7 A. Jeans and a shirt.</p> <p>8 Q. Courtney a pretty good-looking gal? Not</p> <p>9 really?</p> <p>10 A. She's cute. She's a cool girl, you know.</p> <p>11 Q. Okay. All right. So then you got down there</p> <p>12 and you saw Courtney and Brian Pillsbury were there</p> <p>13 when you arrived or did they get there right after you?</p> <p>14 A. They got there right after I did.</p> <p>15 Q. Who else did you see, strike that. Did you</p> <p>16 see anybody else there when you arrived? Was it just</p> <p>17 you and Ja Red and Mark Herman?</p> <p>18 A. There were people already in the back yard.</p> <p>19 Q. All right. Let's talk about that. So what</p> <p>20 did you do right after you got out of the truck?</p> <p>21 A. I walked straight to the back yard.</p> <p>22 Q. Did you guys have any beer in your truck or</p> <p>23 anything like that?</p> <p>24 A. No.</p> <p>25 Q. Herman didn't have any beer on him?</p>

23 (Pages 89 to 92)

Christopher Farley Volume 1 September 9, 2005

Page 93	Page 95
1 A. No.	1 A. He was there.
2 Q. You guys didn't stop at all and buy beer?	2 Q. Okay. Who else was there that you remember?
3 A. No.	3 How about Steven?
4 Q. Nobody bought beer for you?	4 A. By the time, by the time Jared left, Jennifer
5 A. Nope.	5 had gotten there, Steven was there, Dominic was there.
6 Q. Ja Red have any beer in his truck?	6 Q. That's Steven Gazlay, right?
7 A. No.	7 A. Steven Gazlay, yes. Dominic Harriman was
8 Q. Anybody talk about buying beer at that time?	8 there.
9 A. We, I had, we brought up, mentioned, well,	9 Q. Were the two girls that were with Jennifer --
10 Mark's here, now we can get the keg, because we were,	10 A. Mat was there, Kayla Pennington was there.
11 we needed beer. There was no alcohol at the house.	11 Q. Hold on. Just a second. Sorry, Chris.
12 Q. Okay. You guys were minors and here you've	12 A. Okay.
13 got Mark, he's older, he can get beer?	13 Q. I'm kind of interrupting you. I apologize.
14 A. Yeah.	14 You did a nice job testifying. Mat Costello, right?
15 Q. And that was your usual pipeline, right?	15 A. Yes.
16 A. Yeah.	16 Q. And his girlfriend, Kayla Pennington?
17 Q. So you said Mark's here, we can now go get	17 A. Yes.
18 beer, right?	18 Q. Is that Pentington or Pennington?
19 A. Yes.	19 A. I always pronounce it Pennington. I don't
20 Q. Okay. Was that kind of the plan, for Mark to	20 know if I'm wrong.
21 go and get the beer?	21 Q. I don't know, either.
22 A. Yes.	22 A. You could be right. I don't know.
23 Q. Did that happen? Did Mark leave and go get	23 Q. Okay. All right. So were the two girls that
24 beer?	24 were with Jennifer at the park were they with Jennifer
25 A. Yes. Him and Ja Red after, I think they got	25 there?
Page 94	Page 96
1 like 60 bucks or something like that. They got it	1 A. Yes.
2 together, they took, they took Jared's truck and they	2 Q. Okay. Did you know who they were?
3 both left the house.	3 A. No, I didn't.
4 Q. All right. So when you arrived how long was	4 Q. Okay. And were there any guys that you saw
5 it before Ja Red and Mark left in Ja Red's truck to get	5 hanging around Jennifer at that time?
6 the keg?	6 A. Yes, I did.
7 A. 15 minutes.	7 Q. During that 15-minute period? Who did you
8 Q. All right. Between that, between the time	8 see hanging around with Jennifer?
9 you arrived and the 15 minutes when they left, how many	9 A. There was Tanner, Joe and Craig.
10 people would you say then were present at this party?	10 Q. Tanner, Joe and Craig Lefevre?
11 A. 20.	11 A. Yes.
12 Q. All right. Did you know most or all of those	12 Q. Okay. And was it Jennifer kind of by Tanner,
13 people?	13 Craig and Joe and the other two girls or were there
14 A. I knew a lot of them.	14 more than the three girls with them?
15 Q. Do you remember who was there by the time	15 A. It was just the three girls.
16 that Ja Red left and Mark Herman? Brian Pillsbury,	16 Q. Where were they kind of standing at the time
17 right?	17 that you noticed the first time Jennifer being present
18 A. Brian Pillsbury.	18 at the party?
19 Q. Courtney, right?	19 A. They were standing by the, sort of by the
20 A. Courtney.	20 sliding glass door to the house.
21 Q. What about T. J.?	21 Q. The back of the house?
22 A. T. J. was there.	22 A. Yeah.
23 Q. T. J. Carter or Gieke?	23 Q. All right. Now, it's dark at this time,
24 A. Carter.	24 right?
25 Q. What about T. J. Gieke?	25 A. Yeah.

24 (Pages 93 to 96)

Christopher Farley Volume 1 September 9, 2005

Page 97	Page 99
<p>1 Q. Music's going?</p> <p>2 A. Yes.</p> <p>3 Q. People brought some beer?</p> <p>4 A. Well, there was no beer yet.</p> <p>5 Q. But didn't people bring some of their own</p> <p>6 beer?</p> <p>7 A. I don't know if they did, but I didn't have</p> <p>8 any recollection of any alcohol being at the party at</p> <p>9 that time.</p> <p>10 Q. Okay. Well, I guess my question is did you</p> <p>11 see anybody drinking, like bringing their own beer at</p> <p>12 that time?</p> <p>13 A. No, I didn't see anybody drinking.</p> <p>14 Q. Did you ever see a light on inside the house?</p> <p>15 A. They had the lights on in the house, but then</p> <p>16 they had the back light, which was a spotlight like on</p> <p>17 the top of the house.</p> <p>18 Q. So the lights were on inside the house and</p> <p>19 then they have a spotlight in the back on?</p> <p>20 A. Yeah.</p> <p>21 Q. So people could see in the back yard, right?</p> <p>22 A. Yeah.</p> <p>23 Q. Now, at some point didn't somebody like jump</p> <p>24 off the roof, or a couple guys?</p> <p>25 A. Yeah, there was two kids. There was T. J.</p>	<p>1 place," or, "Okay, you guys watch," I mean, was there</p> <p>2 any like exchange of understanding as to who was in</p> <p>3 charge?</p> <p>4 A. Well, everybody knew each other. It was all</p> <p>5 like we were all mutual, you know, everybody knew each</p> <p>6 other.</p> <p>7 Q. You were all friends?</p> <p>8 A. So it was just, yeah, like more associates,</p> <p>9 you know. That's a bad word to say, but we all knew</p> <p>10 of, he just said, "You, guys, this is my house.</p> <p>11 Respect it, take care of it. I'll be back in ten</p> <p>12 minutes."</p> <p>13 Q. So he said, "This is my house"?</p> <p>14 A. Yeah.</p> <p>15 Q. So you thought that that was his house?</p> <p>16 A. Well, I knew it wasn't his house, but by him</p> <p>17 saying it's my house, he was the only one there</p> <p>18 responsible for it.</p> <p>19 Q. Did you think it was his dad's house?</p> <p>20 A. I knew it was his dad's house.</p> <p>21 Q. Why did you know it was his dad's house?</p> <p>22 A. Because he had told me we're going to, I</p> <p>23 said, "You're having a party at your dad's house?" He</p> <p>24 said, "Well, it's not my dad's house. It's one we rent</p> <p>25 out," or something. "It's down the street, but my dad</p>
Page 98	Page 100
<p>1 Carter and I don't know who the other one was. They</p> <p>2 were jumping off the house into the pool.</p> <p>3 Q. Take their shirts off, jump in the pool?</p> <p>4 A. Yeah.</p> <p>5 Q. How were they getting up on the roof, do you</p> <p>6 know? Did you see them get up on the roof?</p> <p>7 A. Well, I was actually helping them. We would</p> <p>8 go to the side and I'd get on the wall and I'd boost</p> <p>9 them up. I'd pick them up by their feet or whatever</p> <p>10 and I'd push them up onto the roof.</p> <p>11 Q. Was this, were they doing this, well, strike</p> <p>12 that. Did you ever, boy, that was a bad question. Let</p> <p>13 me start over. There's two. One more, I'm out.</p> <p>14 All right. So do you remember if Ja Red was</p> <p>15 there at the house when you were boosting them up and</p> <p>16 they were jumping off the roof, or you don't recall?</p> <p>17 A. I don't recall. I don't recall if he was</p> <p>18 there or not.</p> <p>19 Q. Okay.</p> <p>20 A. I don't know if he had left, you know,</p> <p>21 because we had talked and he said, "All right, I'm</p> <p>22 leaving with Mark. See you later." Then we started</p> <p>23 playing around, jumping off the roof.</p> <p>24 Q. Okay. Who did you understand was, strike</p> <p>25 that. Did Ja Red ever say like, "Okay, you watch the</p>	<p>1 owns it." I said okay.</p> <p>2 Q. He said, "It's one we rent out, but my dad</p> <p>3 owns it"?</p> <p>4 A. Yes.</p> <p>5 Q. He told you that?</p> <p>6 A. Yes.</p> <p>7 Q. Ja Red?</p> <p>8 A. Yes.</p> <p>9 Q. No question about that?</p> <p>10 A. No question about that.</p> <p>11 Q. You're a hundred percent sure?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Now, how did Ja Red and Mark get the</p> <p>14 pickup from out in front of yours and go back up the</p> <p>15 driveway?</p> <p>16 A. Well, I wasn't completely on his rear end and</p> <p>17 we were like in the middle. So there was feet on both</p> <p>18 sides. So he was able to, you know, go around me and</p> <p>19 just back up.</p> <p>20 Q. Now, if I recall, and you correct me if I'm</p> <p>21 wrong, Chris, as you go down that driveway that</p> <p>22 driveway kind of serves two houses?</p> <p>23 A. Yes.</p> <p>24 Q. Kind of a multi-house driveway, right?</p> <p>25 A. Yes.</p>

25 (Pages 97 to 100)

Christopher Farley Volume 1 September 9, 2005

Page 101

Page 103

1 Q. All right. Now, I also recall and you can
2 correct me if I'm wrong, that along the wall that is on
3 the side of the driveway, that if you were going over
4 the wall you would be on the street?

5 A. Yes.

6 Q. Along that wall there was a bunch of rock
7 piles and dirt like they were putting in landscaping,
8 right?

9 A. Yes.

10 Q. Is that correct?

11 A. Yes.

12 Q. Okay. Now, how long then, strike that. Do
13 you remember Jennifer showing up before Ja Red left or
14 after Ja Red left or you don't know?

15 A. She showed up before.

16 Q. She showed up before Ja Red left?

17 A. Yes.

18 Q. And how did Ja Red get the 60 bucks or so?
19 Did he go around and ask people?

20 A. He just walked around and asked people.

21 Q. And people would pony it up? Yes?

22 A. Yes, yes.

23 Q. Okay. Now, do you remember where they were
24 going to go get the keg? They ever tell you?

25 A. Huh-uh.

1 A. No.

2 Q. Okay. You ever start to suspect that
3 something's happening?

4 A. I had no clue anything, I just figured it was
5 a hang out party. I didn't think anything was going to
6 happen until Gazlay, he walked up to me and asked, you
7 know, "Do you see these those kids over there hanging
8 out with Jennifer?" I said, "Yeah, I see."

9 Q. Did you see?

10 A. Referring to Craig and Tanner and Joe. I
11 said, "Yeah, what about them?" You know, and he's
12 like, "Well, they're here with Jennifer and they're not
13 supposed to be here." So I'm like, "why not? I
14 figured you guys were broken up." He said, "well,
15 she's still sort of mine," so whatever. And he asked
16 me, "well, can you do something about it?" And I said,
17 "Dude, you're asking the wrong person. I'm 18. I'm
18 not touching them. I'm not here to get in trouble, I
19 just want to have fun."

20 Q. So he, you took that to mean he wanted you to
21 go over there and start something with them?

22 A. Yes.

23 Q. And you, that's the way you took it?

24 A. That's the way I took it.

25 Q. And you said to him, "Hey, I'm 18. I'm not

Page 102

Page 104

1 Q. Didn't have any idea?

2 A. No, I had no clue.

3 Q. Okay. Did you ever see Ja Red come back that
4 night?

5 A. No, I didn't.

6 Q. So you never saw him again after he left?

7 A. Well, excuse me. Yes, I had seen him, but I
8 didn't see him until after everything had happened.

9 Q. All right. So let's, we'll come back to that
10 then.

11 A. Okay.

12 Q. But you did see him come back to that house
13 area?

14 A. Yes, I did.

15 Q. Okay. When you were still there?

16 A. Yes.

17 Q. Okay. We'll come back to that then. All
18 right. So you're in the back yard and Ja Red is now
19 gone, music's playing; is that correct? Is that yes?

20 A. Yes, that's yes. Sorry.

21 Q. People were jumping off the house. Are other
22 people in the pool swimming or just the two people
23 jumping off the house?

24 A. Just the two people on the house.

25 Q. Okay. Now, is anything wrong yet?

1 going to get in trouble?"

2 A. Yeah, yes.

3 Q. Okay, something like that?

4 A. And then after, right after that then I had
5 the clue of, you could start to feel the tension, you
6 know, as he was walking around telling more people
7 about it, that, you know, something was going to
8 happen.

9 Q. Okay. Now, did you physically see Steven
10 walking around telling people about it?

11 A. I had seen him talk to three or four people,
12 yes.

13 Q. Did you overhear what they, what he said?

14 A. No, I didn't.

15 Q. How did you figure that he was talking about
16 it? Was he motioning towards them or how did you know?

17 A. Well, because it was after, it was after me
18 and you could see the kids, you know, shake their head,
19 well, no. And then right after that he'd leave. So
20 this is what, that's what I figured he was talking to
21 them about.

22 Q. So based upon the situation what you observed
23 that's what you surmised he was doing?

24 A. Yes.

25 Q. Was asking other people?

26 (Pages 101 to 104)

Christopher Farley Volume 1 September 9, 2005

Page 105	Page 107
<p>1 A. Yes.</p> <p>2 Q. Do you remember who else that he may have</p> <p>3 gone and asked about that situation?</p> <p>4 A. The last person I remember seeing him talk to</p> <p>5 was Mat.</p> <p>6 Q. Mat?</p> <p>7 A. Matthew Costello.</p> <p>8 Q. Mat Costello?</p> <p>9 A. Yes.</p> <p>10 Q. And you didn't overhear that conversation?</p> <p>11 A. No, I didn't.</p> <p>12 Q. Did you ever see him talk to like T. J.</p> <p>13 Gieke?</p> <p>14 A. No, I didn't.</p> <p>15 Q. How about Dominic Harriman? Did you ever see</p> <p>16 him go up to Dominic --</p> <p>17 A. No.</p> <p>18 Q. -- and say something?</p> <p>19 A. Well, Dominic was, he was with him the whole</p> <p>20 time. They were like --</p> <p>21 Q. Standing together?</p> <p>22 A. They were standing together. They were doing</p> <p>23 the whole thing together. I don't know, like they were</p> <p>24 walking together at the party.</p> <p>25 Q. So everywhere that Steven went Dominic was</p>	<p>1 business.</p> <p>2 Q. They weren't creating any trouble?</p> <p>3 A. No.</p> <p>4 Q. Doing anything wrong?</p> <p>5 A. No.</p> <p>6 Q. Okay. So how long does it take Steven to</p> <p>7 come and ask you and then to go around to these other</p> <p>8 people and do his talking like you surmised?</p> <p>9 A. Five, six minutes.</p> <p>10 Q. Okay. And then what happens? You start to</p> <p>11 sense something, I think you said?</p> <p>12 A. I, you could start to feel the tension, you</p> <p>13 know, because you're aware of, all right, these two</p> <p>14 people, obviously there's something going on between</p> <p>15 them, you know, just tension rises.</p> <p>16 Q. Tell me, because we weren't there.</p> <p>17 A. Okay.</p> <p>18 Q. Tanner is sitting here. He was there. He</p> <p>19 can tell us later on, but tell me from your perspective</p> <p>20 on why you felt that way. What did you see that made</p> <p>21 you feel that way?</p> <p>22 A. Well, I've always, I've, you always hear</p> <p>23 about Gazlay, how he is so overprotective and so, you</p> <p>24 know, of Jennifer. And you know, and he's sitting</p> <p>25 there talking about, you know, "Yeah. we need somebody</p>
Page 106	Page 108
<p>1 with him?</p> <p>2 A. Yes.</p> <p>3 Q. So when Steven came over and talked to you</p> <p>4 Dominic was with him?</p> <p>5 A. Yes.</p> <p>6 Q. So then based upon where Dominic was standing</p> <p>7 did you surmise that Dominic would have had to have</p> <p>8 heard what Steven said to you?</p> <p>9 A. Oh, yeah.</p> <p>10 Q. Okay. No question about it?</p> <p>11 A. No question about it.</p> <p>12 Q. Okay. So did you know when he was asking you</p> <p>13 that, you knew who Tanner was, right?</p> <p>14 A. I had, yes, because I had met him the day</p> <p>15 before.</p> <p>16 Q. Okay. Did you have any problem with Tanner</p> <p>17 at that time?</p> <p>18 A. No. No, I didn't.</p> <p>19 Q. Did you have any problem with Joe at that</p> <p>20 time?</p> <p>21 A. No.</p> <p>22 Q. Or Craig?</p> <p>23 A. No.</p> <p>24 Q. Were they being mean to anybody?</p> <p>25 A. No, they were just minding their own</p>	<p>1 to kick their," you know, "kick their ass."</p> <p>2 Q. He said that, kick their ass?</p> <p>3 A. Yes. And you know.</p> <p>4 Q. Did he ask you to kick their ass?</p> <p>5 A. Yes.</p> <p>6 Q. He said, "I want you to go over there and</p> <p>7 kick their ass"?</p> <p>8 A. Yes.</p> <p>9 Q. So he wanted you to do his dirty work?</p> <p>10 A. Yes.</p> <p>11 Q. And why did he want you to do his dirty work,</p> <p>12 do you know?</p> <p>13 A. Because he told me, "I'm not into it." He</p> <p>14 was 18.</p> <p>15 Q. Did he tell you because he was --</p> <p>16 A. Yes.</p> <p>17 Q. Because he was older than 18?</p> <p>18 A. Yes. He said, "I would do it, but I'm 18 and</p> <p>19 I don't want to go to jail."</p> <p>20 Q. Okay. So then you start to feel the tension</p> <p>21 rising because he said, "I want you to go over and kick</p> <p>22 their ass," and so again, describe to me why that</p> <p>23 started to feel that way.</p> <p>24 A. Well, it's just as, then you sit there, you</p> <p>25 would talk to somebody, well, you hear, you know,</p>

27 (Pages 105 to 108)

Christopher Farley Volume 1 September 9, 2005

Page 109

Page 111

1 Gazlay is going to get them. You know, and then people
2 start talking about it and then pretty soon everybody
3 knows about it. And everybody is always looking over.
4 It just, there's really no way to explain it. You can
5 just feel, you know, when you know something is going
6 to happen.

7 Q. Okay. Now, who did you hear talking about
8 that?

9 A. Well, I was over in the corner. I had
10 Courtney, this girl on my lap when he had talked to me.
11 And then I talked to her about it and one of the other
12 girls would come over, some other girl who I didn't
13 know, and she would tell her about it. And then she
14 would leave and then somebody would walk up later on
15 that night, I don't remember who it was, and say, "Did
16 you hear Steven is going to," you know, "Steven doesn't
17 like those kids. They need to leave our party," you
18 know. And then just everybody is talking about it.

19 Q. What kind of terms would they use? Would
20 they say, "They're going to get their ass kicked," or I
21 mean, what kind of --

22 A. Yeah.

23 Q. -- was there like a usual term people would
24 say?

25 A. That Steven wants to beat their ass. That

1 A. Yes.

2 Q. Did Ja Red have to take a lock off the gate?

3 A. I don't know if there was a lock on or not.

4 Q. Do you remember --

5 A. The gate was already open. There were
6 already people in the back yard when I had gotten
7 there.

8 Q. Okay. Was the music already playing in the
9 back yard when you got there?

10 A. Yes.

11 Q. And do you know whose music that was? Was
12 it, was it a little, you know?

13 A. It was a pretty, it was coming from speakers
14 off the back of the house.

15 Q. So speakers that were built in on the house?

16 A. Like, not big speakers, but, you know, like
17 just a little surround sound to the outside. I don't
18 know how the whole, what kind of stereo it was, but I
19 know it was from a house stereo.

20 Q. Okay.

21 A. Not just a little boom box set on the ground
22 or something.

23 Q. Okay. It wasn't a ghetto blaster --

24 A. No.

25 Q. -- you carry on your shoulder or anything?

Page 110

Page 112

1 was it.

2 Q. That was kind of the term, beat their ass?

3 A. That was, yes.

4 Q. Ass beating?

5 A. Yes.

6 Q. Okay. And so how long did this go around the
7 back yard among the people that you recall?

8 A. It was only like ten minutes. It happened
9 pretty quick.

10 Q. In the meantime again are Tanner, Joe and
11 Craig doing anything wrong?

12 A. Well, you can, from what I observed is they
13 had moved from the center of the house towards to where
14 the back side of the house, towards the gate was
15 because they were wanting to leave.

16 Q. You could see them?

17 A. You could see them trying to, you know,
18 slowly make their way because, to leave the party.

19 Q. Okay. So you observed that?

20 A. Yes.

21 Q. They looked like they wanted to get out?

22 A. They looked like they were trying to leave.

23 Q. Okay. And let me ask you this because I
24 didn't ask you this and I apologize. When you went in
25 the back yard was the gate open?

1 You know what I'm talking about, right?

2 A. Yeah.

3 Q. Not those ones, you know, you're going to get
4 deaf because you're walking around like this all day
5 long, right?

6 A. Yeah.

7 Q. Okay. All right. So you see Tanner, Craig
8 and Joe in what you observe as trying to make their way
9 towards the gate area. And then what happens?

10 A. Well, and then.

11 Q. By this time you're getting a little excited
12 right? Your Adrenalin gets rushed?

13 A. Well, your Adrenalin gets rushed because you
14 know something is going to happen.

15 Q. Because you've been at parties before, right,
16 where people, this has gone around, they're going to
17 get their ass beat?

18 A. Yeah, you.

19 Q. There's going to be an ass beating there,
20 right?

21 A. People get excited to see a fight.

22 MR. SQUIRES: Objection, leading.

23 Q. (By Mr. Bowen) Right, and this is kind of an
24 exciting time, right?

25 A. Yes, yes.

28 (Pages 109 to 112)

Christopher Farley Volume 1 September 9, 2005

<p style="text-align: right;">Page 113</p> <p>1 Q. And you have seen that before, you have seen 2 that kind of situation before?</p> <p>3 A. Yes.</p> <p>4 Q. This is not unusual for a party, right, that 5 you go to?</p> <p>6 A. Yes.</p> <p>7 Q. This has happened a lot before, right?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. So prior to that time did you ever 10 hear anybody say that maybe Jennifer brought them to 11 this party or lured them to this party?</p> <p>12 A. I had never heard anything like that.</p> <p>13 Q. Never heard anything like that?</p> <p>14 A. No.</p> <p>15 Q. Did you ever hear anybody say maybe Jennifer 16 brought them because she tried to make Steven jealous?</p> <p>17 A. I never heard that, but that's what I figured 18 because I had seen girls do that in the past, bring a 19 new guy in front of the ex-boyfriend. That's what I 20 observed and what I thought was happening.</p> <p>21 Q. And you never went over there in the back 22 yard and told those guys that they ought to leave 23 because there was going to be an ass beating, right? 24 You never went over and told Joe --</p> <p>25 A. No. No, I didn't.</p>	<p style="text-align: right;">Page 115</p> <p>1 the house or you went out of the driveway with 2 Courtney?</p> <p>3 A. We went, we were standing right in the dirt. 4 You know how you were talking about the landscaping 5 that was getting done?</p> <p>6 Q. Okay.</p> <p>7 A. We were standing right there.</p> <p>8 Q. Okay.</p> <p>9 A. And she gets in the car and leaves, and 10 leaves with, it was with Bryan Bushy. Not Bushy, I 11 mean, I'm sorry, Pillsbury.</p> <p>12 Q. Brian Pillsbury. Your friend?</p> <p>13 A. My friend. She leaves with him.</p> <p>14 Q. You were upset about that?</p> <p>15 A. Yes.</p> <p>16 Q. Because not only is she leaving with him, and 17 you liked her --</p> <p>18 A. But she was leaving.</p> <p>19 Q. -- but she was leaving with your friend?</p> <p>20 A. Yes.</p> <p>21 Q. Did you say something to Brian?</p> <p>22 A. No, they just left.</p> <p>23 Q. What did they leave in? What kind of car?</p> <p>24 A. He had a Ford Ranger. It was all lifted with 25 big tires and fiberglass. It was yellow and white.</p>
<p style="text-align: right;">Page 114</p> <p>1 Q. -- Craig and Tanner, right?</p> <p>2 A. No.</p> <p>3 Q. All right. So then what happened next? 4 They're starting to make their way towards?</p> <p>5 A. Well, they're starting to make their way and 6 then they'd gone down the house so I couldn't see them 7 anymore. And I ended up getting into a fight with the 8 girl that I was with that was sitting on my lap because 9 she wanted to leave with another guy. So me and her, 10 we rushed to the front because, you know, we were 11 arguing.</p> <p>12 Q. Why did you rush to the front?</p> <p>13 A. Well, because she's trying to leave and I 14 wanted to go, you know, I'm trying to figure out what 15 the heck, what did I just do?</p> <p>16 Q. Okay. And this was Courtney?</p> <p>17 A. Yes.</p> <p>18 Q. And it's not Courtney Brierschmidt, it's 19 another Courtney?</p> <p>20 A. You know, I know this sounds bad, but I 21 didn't know her last name, you know.</p> <p>22 Q. Okay. Hey, that's fair. We've all been with 23 girls we didn't know their last name. All right.</p> <p>24 A. Yeah.</p> <p>25 Q. So you, now, so you went towards the front of</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. By this time when you rushed out in front 2 with her were Tanner, Joe and Craig already out of the 3 back yard?</p> <p>4 A. Yes, they were actually getting close to the 5 truck.</p> <p>6 Q. Did you, how far behind them were you when 7 you were leaving up the driveway?</p> <p>8 A. Well, I wasn't leaving, I'm standing by my 9 truck in the driveway.</p> <p>10 Q. Okay.</p> <p>11 A. Their truck was, like in the, sort of the 12 middle of the cul-de-sac. So probably 25, 30 feet away 13 from them.</p> <p>14 Q. Did you see them the whole time leave the 15 back yard, go up the driveway and go up to their truck 16 or were you --</p> <p>17 A. No. I had just, we'd come by and their truck 18 was over here and we just walked this way to my truck. 19 So I didn't look over because I'm sitting, talking to 20 the girl trying, we were, you know.</p> <p>21 Q. Did you see anybody follow Craig, Tanner and 22 Joe out of the back yard?</p> <p>23 A. No, I didn't.</p> <p>24 Q. Did you see T. J. Gieke in the back yard?</p> <p>25 A. I remember seeing him in the front yard, but</p>

29 (Pages 113 to 116)

Christopher Farley Volume 1 September 9, 2005

Page 117

Page 119

1 I don't recall seeing him in the back.
 2 Q. Where was Steven at the time that you came
 3 out of the back yard and went to your truck?
 4 A. Well, by the time Jennifer, not Jennifer,
 5 Courtney had just left I sat in my truck probably a
 6 minute, two minutes and I smoked a cigarette.
 7 Q. Was that inside your truck, or in the back of
 8 your truck?
 9 A. Right outside, right on the front of my
 10 truck. I sat on the hood.
 11 Q. So you got up on the hood --
 12 A. Yeah.
 13 Q. -- of your Ford pickup?
 14 A. Yeah.
 15 Q. Smoked a cigarette?
 16 A. Smoked a cigarette. And by that time people
 17 started making, you know, one by one people would be
 18 coming to the front. And then eventually Steven and
 19 Dominic walked over to me and, you know, talked about,
 20 "Well, don't let them leave," because they were trying
 21 to get in their truck. And I was, I would ask, "Why
 22 not let them leave? Just let them leave. You know,
 23 they don't want to be here, just let them leave." He
 24 says, "No, screw that." I don't remember what he said.
 25 So eventually he, the whole point was we were trying to

1 MR. ATKINSON: That's fine.
 2 Q. (By Mr. Bowen) All right. So then you,
 3 Steven walks up to you, he uses expletives, doesn't he?
 4 I mean, he's not just saying don't let them leave, he's
 5 swearing?
 6 A. Yeah, he's mad because he --
 7 Q. Tell me exactly what you recall him saying,
 8 best of your recollection.
 9 A. I remember one word that he, it was faggot.
 10 He would say that something long-haired faggots, or,
 11 because he didn't want them to leave. And eventually
 12 everybody started going over towards the truck because
 13 Gazlay was yelling at them.
 14 Q. So Gazlay was yelling at Tanner, Joe and
 15 Craig?
 16 A. Yes.
 17 Q. From your truck?
 18 A. Well, he had walked away from, he was
 19 probably ten, he was right about in the middle, about
 20 ten, 15 feet from me and Craig and Tanner and them.
 21 Q. How far is the back of your truck from the
 22 first of the driveway? Give me your best recollection.
 23 A. Six feet.
 24 Q. And your truck is pointed down the driveway
 25 towards the house?

Page 118

Page 120

1 wait for Angelo Antuna to show up.
 2 Q. Now Angelo Antuna, he's a bad boy.
 3 A. Yeah. He's a fighter.
 4 Q. Yeah, he's a fighter, boy.
 5 A. He knows how to, you know, really fight.
 6 Q. He's put some ass beatings on several people,
 7 hasn't he?
 8 A. Yeah, yeah.
 9 Q. In fact, you've been at many parties where
 10 he's done that, haven't you?
 11 A. Not many. I've only seen him fight once, but
 12 you hear about people's reputation. You know, and he,
 13 I knew him, Angelo, because we both wrestled on the
 14 high school team. And I have seen, you know, him move,
 15 I've seen him, you know, really, not really beat up,
 16 but it's wrestling, you know, really work somebody. So
 17 I figure what he can do.
 18 Q. You knew what he could do.
 19 A. Yeah, I knew what he could do.
 20 Q. You knew he could hurt someone and hurt them
 21 bad, right?
 22 A. Yes.
 23 MR. BUCKWALTER: Objection, leading.
 24 MR. ATKINSON: Objection, leading.
 25 MR. BOWEN: Well, he is not my witness.

1 A. Pointed up, yes, yes.
 2 Q. Or is it pointed up the driveway towards the
 3 cul-de-sac?
 4 A. It's pointed, it's down towards the house.
 5 Q. Okay. So the back of your truck is --
 6 A. So my tailgate's facing towards their car.
 7 Q. Towards the cul-de-sac?
 8 A. Yes. And I'm all the way in the front of my
 9 truck on the hood. Steven who is six feet away,
 10 probably four feet past my tailgate and about halfway
 11 to them.
 12 Q. Okay. Now, did Steven say anything to you
 13 when you said why not let them go?
 14 A. No.
 15 Q. Did he say, oh, well, whatever?
 16 A. Well, he just walked off from me by then
 17 because I guess he figured I didn't want anything to do
 18 with it.
 19 Q. Now, how old was Dominic at that time?
 20 A. I don't know.
 21 Q. Did you get any sense of why Dominic wasn't
 22 going and handling this situation that Steven wanted to
 23 take care of?
 24 A. No.
 25 Q. You didn't surmise anything from that?

30 (Pages 117 to 120)

Christopher Farley Volume 1 September 9, 2005

Page 121	Page 123
<p>1 A. No.</p> <p>2 Q. So were you coming to the opinion that maybe</p> <p>3 that Steven couldn't find anybody to do his dirty work</p> <p>4 for him, he was getting a little frustrated?</p> <p>5 A. Yeah, you could see.</p> <p>6 Q. Is that what you were coming to the</p> <p>7 conclusion of?</p> <p>8 A. Yeah.</p> <p>9 Q. Don't let me put words in your mouth. Is</p> <p>10 that what you were coming to the conclusion of?</p> <p>11 A. Well, yeah, that's why, that's why I figured</p> <p>12 he wanted them, wanted me to help them not let them</p> <p>13 leave. Because I figured he couldn't get anything to</p> <p>14 do with it so nothing was going to happen and now, you</p> <p>15 know, he was going to get all upset about it.</p> <p>16 Q. Did he tell you what he wanted you to do to</p> <p>17 prevent them from leaving?</p> <p>18 A. No.</p> <p>19 Q. So then you stayed on your hood of your truck</p> <p>20 or did you get down?</p> <p>21 A. Well, I had just finished my cigarette so now</p> <p>22 I'm walking down and I walked down to where everybody's</p> <p>23 at, you know.</p> <p>24 Q. So everybody is coming out of the back yard</p> <p>25 now?</p>	<p>1 A. I don't know who it was.</p> <p>2 Q. Was it a male or a female?</p> <p>3 A. It was a male.</p> <p>4 Q. You don't remember if it was T. J. Gieke?</p> <p>5 A. It could have been. I don't recall.</p> <p>6 Q. You know who Mat Reed is?</p> <p>7 A. Yes.</p> <p>8 Q. You don't remember if it was Mat Reed?</p> <p>9 A. No, it wasn't Mat Reed.</p> <p>10 Q. Okay. Do you remember what color hair the</p> <p>11 person had?</p> <p>12 A. No, I don't.</p> <p>13 Q. Did you see that person, observe that person</p> <p>14 in what you thought was talking with anyone inside the</p> <p>15 truck?</p> <p>16 A. They were actually talking to the driver in</p> <p>17 the, of the vehicle.</p> <p>18 Q. Okay. Could you tell by their actions if</p> <p>19 they were upset or if it was more of a calm talk?</p> <p>20 A. Well, it was.</p> <p>21 Q. The people talking.</p> <p>22 A. The people, Tanner and all of them in the</p> <p>23 car, you could tell they were, you know, like shook up,</p> <p>24 like, well, why, you know.</p> <p>25 Q. You could tell they were scared?</p>
Page 122	Page 124
<p>1 A. Yeah, because Steven's yelling.</p> <p>2 Q. Steven's yelling what?</p> <p>3 A. You know, "Get out of the car you long-haired</p> <p>4 faggots. I'm going to kick your ass." He's yelling,</p> <p>5 you know, a bunch of stuff at them.</p> <p>6 Q. Like what? You've got to tell us exactly</p> <p>7 what you remember.</p> <p>8 A. Like that right there, you know, what I just</p> <p>9 said.</p> <p>10 Q. Anything else?</p> <p>11 A. I don't recall.</p> <p>12 Q. But he's yelling at them, he's threatening</p> <p>13 them; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. And could you tell whether or not at that</p> <p>16 time Tanner, Joe and Craig were inside the truck or</p> <p>17 were they outside the truck?</p> <p>18 A. They were actually in the truck, but the</p> <p>19 windows were rolled down.</p> <p>20 Q. Okay. Was there anyone right next to their</p> <p>21 truck by the windows that they could have talked to had</p> <p>22 they wanted to that you could see?</p> <p>23 A. There was somebody by their windows, by, it</p> <p>24 was their left fender by the driver's side door.</p> <p>25 Q. Okay.</p>	<p>1 A. You could tell, yes, that they didn't want,</p> <p>2 they just wanted to leave. That was it.</p> <p>3 Q. Again, they hadn't done anything to anybody</p> <p>4 so far, right?</p> <p>5 A. Yes.</p> <p>6 Q. All right. So then you start walking up the</p> <p>7 driveway and Steven's ahead of you with Dominic</p> <p>8 Harriman by his side, right?</p> <p>9 A. Yes.</p> <p>10 Q. And then what happens?</p> <p>11 A. And then eventually everybody, everybody is</p> <p>12 around the car.</p> <p>13 Q. How many people are we talking in the</p> <p>14 cul-de-sac area now?</p> <p>15 A. About 30 people.</p> <p>16 Q. 30?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay. And then everybody goes kind of around</p> <p>19 the pickup?</p> <p>20 A. Yeah.</p> <p>21 Q. Craig's pickup?</p> <p>22 A. Everybody is, they're not surrounding, but</p> <p>23 they're all on one side and they're still around the</p> <p>24 back so you can't back out.</p> <p>25 Q. So Craig was prevented from backing up?</p>

31 (Pages 121 to 124)

Christopher Farley Volume 1 September 9, 2005

Page 125

1 A. Yes.
 2 Q. And you observed that?
 3 A. Yes.
 4 Q. No question about it?
 5 A. Yes.
 6 Q. Do you remember who was standing behind the
 7 pickup?
 8 A. Well, what ended up actually happening is me,
 9 Steven and Dominic ended up sitting on the tailgate.
 10 Q. So by this time you are now figuring that you
 11 are going to participate with Steven, right?
 12 A. Well, it.
 13 Q. It's just yes or no.
 14 A. I'm not participating, yet.
 15 Q. Okay.
 16 A. Yes, I was. I was participating.
 17 Q. Steven kept hounding on you?
 18 A. Yeah.
 19 Q. And you like Steven, he was your friend and
 20 you were going to help him out?
 21 A. He wasn't really my friend, but you know.
 22 Q. All right. So who pulled down the tailgate?
 23 A. I don't recall. I don't recall who grabbed
 24 the tailgate.
 25 Q. And did you sit on the tailgate?

Page 126

1 A. Yes, I did.
 2 Q. Did Dominic Harriman sit on the tailgate?
 3 A. Yes, he did.
 4 Q. Did Steven Gazlay sit on the tailgate?
 5 A. Yes, he did.
 6 Q. Was Steve Gazlay talking trash to Tanner,
 7 Craig and Joe at this time?
 8 A. Well, at the time it was, I think a girl
 9 named Tasha.
 10 Q. Tasha McLaughlin?
 11 A. Jennifer, they're all yelling at Steven, "Let
 12 them go, let them go. They just wanted to leave."
 13 Q. So Jennifer Hopkins and Tasha McLaughlin?
 14 A. And Ashley Erickson.
 15 Q. And Ashley Erickson were yelling at Steven to
 16 let them go?
 17 A. Yes.
 18 Q. And what was Steven doing?
 19 A. He was just, he was laughing, "Ha, ha, ha,
 20 they're not going anywhere." You know, "They just
 21 better get out and take their ass beating."
 22 Q. How did you feel about that situation? You
 23 were still pretty excited?
 24 A. I was a little excited.
 25 Q. Still a little worked up?

Page 127

1 A. Yeah, I would say worked up.
 2 Q. Okay. Now, is it getting loud, a lot of loud
 3 talk?
 4 A. No, not really. You know, a few kids would
 5 be like yeah, yeah, you know.
 6 Q. Who was saying yeah, yeah?
 7 A. I don't know. I don't recall.
 8 Q. You don't recall?
 9 A. No.
 10 Q. Will you let me know if you do?
 11 A. Yes.
 12 Q. Okay. Now, what was Dominic Harriman doing?
 13 Was he saying anything at any time?
 14 A. No. Personally I never really heard him talk
 15 much. He just, he wasn't saying anything. He was just
 16 being quiet.
 17 Q. What were you saying?
 18 A. I was just sitting on the car, just listening
 19 to the girls.
 20 Q. But you knew by you sitting on the car that
 21 that was preventing them from leaving, didn't you?
 22 A. Yes, I did.
 23 Q. And you did that willingly, didn't you?
 24 A. Yes, I did.
 25 Q. And that was a mistake, wasn't it?

Page 128

1 A. Yes, it was.
 2 Q. Because that eventually led to the events of
 3 that night, didn't it?
 4 A. Yes, it did.
 5 Q. Now, so you could tell inside the truck now,
 6 could you not, from looking at Joe, Tanner and Craig
 7 that they were, they were stared?
 8 A. Yeah.
 9 Q. This was a serious situation, wasn't it?
 10 A. Well, who wouldn't be? You know, yeah, they
 11 were.
 12 Q. I mean, they had a lot of people were
 13 surrounding that truck, right? 30, 30 people?
 14 A. About 30, but it wasn't surrounding, it was
 15 they were still all on the driver's side of the
 16 vehicle.
 17 Q. Okay. What males did you see on the driver's
 18 side of the vehicle?
 19 A. I hadn't seen anybody. I was, well, what was
 20 happening was I was on the tailgate facing this way.
 21 So what was going on back here I wasn't able to observe
 22 any of it.
 23 Q. Were you drinking at this point?
 24 A. No, I wasn't.
 25 Q. Not doing drugs at this point?

32 (Pages 125 to 128)

Christopher Farley Volume 1 September 9, 2005

Page 129	Page 131
<p>1 A. Nope.</p> <p>2 Q. Was Steven drinking at that point?</p> <p>3 A. I don't recall. I hadn't seen him drink</p> <p>4 anything. I don't know if he had been, but.</p> <p>5 Q. So as far as you know and observed you</p> <p>6 thought he was totally sober?</p> <p>7 A. Yes.</p> <p>8 Q. How about Dominic, same thing?</p> <p>9 A. Same thing.</p> <p>10 Q. Okay. Now, let's talk about some other</p> <p>11 individuals. Do you remember seeing Bryan Bushy in the</p> <p>12 cul-de-sac anywhere?</p> <p>13 A. No, I don't.</p> <p>14 Q. Do you remember seeing Scott Morse in the</p> <p>15 cul-de-sac anywhere?</p> <p>16 A. I remember seeing him, but I couldn't tell</p> <p>17 you exactly where he was at in the cul-de-sac.</p> <p>18 Q. Okay.</p> <p>19 A. I remember seeing his face in the crowd.</p> <p>20 Q. Okay. All right. At that time?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And again, I'm trying to take it</p> <p>23 chronological time wise, okay?</p> <p>24 A. Okay.</p> <p>25 Q. Thanks for sticking with me on that.</p>	<p>1 A. Six.</p> <p>2 Q. Do you remember whose cars they were?</p> <p>3 A. No, I don't.</p> <p>4 Q. Let me go --</p> <p>5 A. Let me.</p> <p>6 Q. Go ahead.</p> <p>7 A. I do remember seeing, there was a Jeep.</p> <p>8 There was a Jeep in the cul-de-sac, a brown Jeep.</p> <p>9 Q. Light brown?</p> <p>10 A. I don't know whose it was.</p> <p>11 Q. Was it light brown?</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 A. There was little Mikey, his red Mustang.</p> <p>15 Q. That's Mikey Arnold, right?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Little Mikey, that's what you called</p> <p>18 him, little Mikey, right?</p> <p>19 A. Called him little Mikey.</p> <p>20 Q. He had a red Mustang, right?</p> <p>21 A. Yeah.</p> <p>22 Q. Was that in the cul-de-sac?</p> <p>23 A. Yes, it was.</p> <p>24 Q. Okay. Who else did you, what other cars did</p> <p>25 you see?</p>
Page 130	Page 132
<p>1 A. Okay.</p> <p>2 Q. I'm trying not to jump around. All right.</p> <p>3 Now, at the same time you're sitting on the tailgate do</p> <p>4 you see Jeff Hart?</p> <p>5 A. No, I don't.</p> <p>6 Q. Do you see Toni Cikity?</p> <p>7 A. No, I don't.</p> <p>8 Q. Do you see, Ja Red's not there, right?</p> <p>9 A. Ja Red is not there.</p> <p>10 Q. There's no adults around?</p> <p>11 A. No adults around.</p> <p>12 Q. No parents?</p> <p>13 A. No parents.</p> <p>14 Q. You don't see any neighborhood people around?</p> <p>15 Nobody coming out of their houses?</p> <p>16 A. Nobody's coming out.</p> <p>17 Q. Anybody honking horns?</p> <p>18 A. No.</p> <p>19 Q. Anybody in their cars driving off?</p> <p>20 A. No.</p> <p>21 Q. At that point?</p> <p>22 A. No.</p> <p>23 Q. How many cars do you think are in the</p> <p>24 cul-de-sac area itself? Not up the street, but in the</p> <p>25 cul-de-sac area itself at that time?</p>	<p>1 A. Brad Aguilar's Jeep was in the cul-de-sac.</p> <p>2 Q. The green one?</p> <p>3 A. The green one.</p> <p>4 Q. Okay.</p> <p>5 A. That's all I really remember seeing.</p> <p>6 Q. All right. Now, I'm going to take you, I</p> <p>7 want you to think as long as you can, take your time.</p> <p>8 A. Okay.</p> <p>9 Q. And just go on your memory. If you are</p> <p>10 standing, you're sitting on the tailgate, okay, is it</p> <p>11 true that Tanner's, strike that, that Craig's truck was</p> <p>12 pointed towards the houses, so up against the curb with</p> <p>13 the tailgate pointed out towards the middle of the</p> <p>14 cul-de-sac, or is that wrong?</p> <p>15 A. That is true. The front wheels were close to</p> <p>16 the curb and the rear wheels were toward the middle of</p> <p>17 the intersec, in the cul-de-sac.</p> <p>18 Q. So there was, it is correct, is it not, that</p> <p>19 Craig could not go forward?</p> <p>20 A. Could not go forward.</p> <p>21 Q. He had to back up?</p> <p>22 A. Yes.</p> <p>23 Q. And he couldn't back up because you were all</p> <p>24 behind the truck?</p> <p>25 A. Yes.</p>

33 (Pages 129 to 132)

Christopher Farley Volume 1 September 9, 2005

Page 133

Page 135

1 Q. Right? All right. Now, when you got up and
2 you went to the truck before the tailgate was pulled
3 down was the truck running?
4 A. No, it wasn't.
5 Q. Okay. Did the truck ever start running when
6 you were on the tailgate?
7 A. It started while we were on the tailgate.
8 Q. Okay. So the truck started up?
9 A. Yes.
10 Q. And then what happened when the truck started
11 up? Did Gazlay get upset?
12 A. No, he was still, I would say yes, he was
13 upset the whole time because he's got girls yelling at
14 him, you know, nothing is getting done.
15 Q. What did he say to the girls when they were
16 yelling? Tell them to shut up or be quiet or who cares
17 or mind your own business? What did he say?
18 A. Basically, you know, shut up, you know,
19 "we're going to do this," just things like that.
20 Q. Now, when you had talked to Steven earlier
21 back at your pickup he told you that he was waiting for
22 Angelo to get there.
23 A. Yes.
24 Q. And did you observe him call Angelo on the
25 cell phone?

1 as it was happening.
2 Q. All right. You see these vehicles that you
3 described in the cul-de-sac, then what happens? You're
4 on the tailgate, the truck starts up, what happens?
5 A. The truck starts up and then I hadn't seen
6 it, but I guess a fight broke out between somebody in
7 the vehicle and somebody outside. You know, and at
8 that time, you know, brake lights turn on, reverse
9 lights on, you know, me, my brain is working, I'm
10 getting off the vehicle quick because I don't want to
11 get hurt. And I don't, I don't, I guess, what I know
12 of reading the criminal and everything, Mat Costello, I
13 couldn't say I seen him, I don't know, got into a fight
14 with him. They backed up.
15 Q. Who backed up?
16 A. Craig, I guess Craig was driving. Craig, the
17 little Toyota, or the Tundra, I don't know what kind of
18 truck it was, backed up and me, I got out of my way
19 immediately and everybody ran from behind the car and
20 it as backing up started to turn so, you know, to turn
21 around and at high, you know, not a high rate, but it
22 hit the brown Jeep pretty hard to move it two feet, you
23 know, parallel, which is pretty much, it messed up that
24 Jeep. And me knowing Chelsea, I ran over to her, you
25 know, to see if she was okay because they had just

Page 134

Page 136

1 A. No, I didn't.
2 Q. Did you know when Angelo was coming?
3 A. He had said he was on his way. I didn't know
4 when he was supposed to arrive, you know.
5 Q. Did you see Gazlay use his cell phone at all
6 between the time that you were at your truck and the
7 time that he got on the back of the tailgate?
8 A. No.
9 Q. Did he get any calls on his cell phone?
10 A. No.
11 Q. Did you make any calls?
12 A. No.
13 Q. Did Dominic make any calls?
14 A. No.
15 Q. Did you see anybody make any calls on their
16 cell phone when you were sitting on the tailgate?
17 A. People were on their cell phones, but I
18 couldn't say who they were calling, or.
19 Q. Did you ever overhear any of the
20 conversations?
21 A. No.
22 Q. Did you see anybody else arrive in the
23 cul-de-sac while you were sitting on the tailgate?
24 A. Bonnie and Chelsea Hammock, it was the brown
25 Jeep. I sort of jumped ahead. They had just pulled up

1 gotten out of the car and you know, I wanted to see if
2 anybody was hurt. And then I guess when he, taking off
3 turned left to go up the street and they say hit a kid.
4 I hadn't seen any contact. I seen the kid on the
5 ground, but I don't know, he could have tripped and
6 fell. But I did see, you know, the kid on the ground.
7 And then after that they go, everybody was
8 just like, "They got away. They got away." You know,
9 and I was just like whatever. And then Jeff Hart just
10 turned to everybody and says, "we know where they're
11 going," you know, "let's get them." You know, and me,
12 Jeff Hart, Brandon Gallion and Scott Morse took off
13 towards the fence to jump the fence.
14 Q. Then what happened?
15 A. And I followed Jeff over the wall. Jeff was
16 the first one, I was the second. I remember his
17 girlfriend telling Jeff as we're going over, "Don't get
18 hit by the car." We all had gotten over and Jeff had
19 run across the street to the center median. I stayed
20 on the sidewalk because there was no sidewalk in the
21 median. Brandon Gallion got to my left and Scott Morse
22 to my right. And I turned so I couldn't see, I
23 couldn't see the person behind me. I could see Brandon
24 Gallion and Jeff Hart and then all the sudden you see
25 the car running. And there was a green Jeep and a red

34 (Pages 133 to 136)

Page 137	Page 139
<p>1 Mustang following the car, or the truck, their truck.</p> <p>2 Q. Craig's truck?</p> <p>3 A. Craig's truck. And we, I just, I reached</p> <p>4 down, I picked up off the ground, I picked up a rock</p> <p>5 and I just, I threw it at the car. And, you know.</p> <p>6 MR. SKAGGS: At the truck?</p> <p>7 THE WITNESS: At the truck.</p> <p>8 MR. SKAGGS: Thank you.</p> <p>9 Q. (By Mr. Bowen) Which truck is that?</p> <p>10 A. Their truck.</p> <p>11 Q. Craig's truck?</p> <p>12 A. Yeah.</p> <p>13 Q. Then what happened?</p> <p>14 A. And he slammed on the, they hit their brakes,</p> <p>15 they slid a little bit. They almost hit the median and</p> <p>16 took off. And then the green Jeep left and he chased</p> <p>17 them and the red Mustang chased them. And I jumped the</p> <p>18 back wall and Jared had just showed up with Mark, you</p> <p>19 know, going what the, you know, "What the hell just</p> <p>20 happened?" And I looked at Mark and I said, "Dude, we</p> <p>21 need to get the hell out of here." Mark is just like,</p> <p>22 "Whatever, okay." So we got in my truck. I was the</p> <p>23 very first car out of there.</p> <p>24 Q. Then where did you go?</p> <p>25 A. I went straight to the park. I dropped Mark</p>	<p>1 Q. And the police arrested you, didn't they?</p> <p>2 A. Yeah.</p> <p>3 Q. You gave the police a statement, right?</p> <p>4 A. Yes, I did.</p> <p>5 Q. You told the police that you had thrown a</p> <p>6 rock?</p> <p>7 A. Yes, I did.</p> <p>8 Q. Did you call the hospital to see how Tanner</p> <p>9 was doing?</p> <p>10 A. No.</p> <p>11 Q. Did your parents call the hospital to see how</p> <p>12 Tanner was doing?</p> <p>13 A. No. My parents didn't know who was involved</p> <p>14 with it or anything, you know.</p> <p>15 Q. But you told your parents, right?</p> <p>16 A. I told my parents this kid, they didn't know</p> <p>17 his name or anything until after the fact.</p> <p>18 Q. So neither you or your family made any</p> <p>19 attempt to see how Tanner was doing at the hospital,</p> <p>20 right?</p> <p>21 A. Well, I had, every time Ashley would call me</p> <p>22 was to see how I was doing when I bailed out, I would</p> <p>23 tell her, you know, because I knew she knew them and I</p> <p>24 would tell her, "I know it's not going to mean much to</p> <p>25 tell them I'm sorry."</p>
Page 138	Page 140
<p>1 off. I said, "Dude, I'll see you later. I need to go</p> <p>2 home." I went to home and that's when I started</p> <p>3 talking to my parents.</p> <p>4 Q. So you went home and you woke your parents</p> <p>5 up?</p> <p>6 A. Yes.</p> <p>7 Q. What time of night was that?</p> <p>8 A. It was like 10:30. And mom even, she goes,</p> <p>9 "Why are you home so early?" She goes, "This is</p> <p>10 unusual. What happened?" And I said, "Well, something</p> <p>11 happened tonight and I need to tell you about it." You</p> <p>12 know, and then I went to bed.</p> <p>13 Q. Did you call the police?</p> <p>14 A. No, I didn't.</p> <p>15 Q. Your parents didn't call the police?</p> <p>16 A. No. I had heard through the phone that they</p> <p>17 were, that he was severely hurt.</p> <p>18 Q. Who told you that?</p> <p>19 A. Ashley Erickson.</p> <p>20 Q. Ashley Erickson called you?</p> <p>21 A. Yeah. They said they went to the hospital</p> <p>22 and he was really hurt. You know, and I was just like,</p> <p>23 I didn't know what to say. I laid down and went to</p> <p>24 sleep and I got woken up about 2:00 in the morning by</p> <p>25 the police.</p>	<p>1 Q. Well, you never told tanner at any time that</p> <p>2 you were sorry; is that correct?</p> <p>3 A. I was never really given the opportunity.</p> <p>4 Q. Well, you had the opportunity to go by his</p> <p>5 house; isn't that correct?</p> <p>6 A. No, I wasn't. I would have gotten in trouble</p> <p>7 because the whole criminal going on, I don't want to</p> <p>8 get in trouble for all the sudden now I'm in trouble</p> <p>9 for harassing him and.</p> <p>10 Q. Well, it is true, is it not, that Tanner was</p> <p>11 in your same religious stake?</p> <p>12 A. Yes, I did see him in church.</p> <p>13 Q. He's a Mormon just like you, right?</p> <p>14 A. Yeah. He would go to the same singles ward</p> <p>15 as me.</p> <p>16 Q. Right. And your parents knew this, right?</p> <p>17 A. Yeah.</p> <p>18 Q. And never at any time did you or your family</p> <p>19 make any attempt to make any contact with his family;</p> <p>20 isn't that correct?</p> <p>21 A. Well.</p> <p>22 Q. Isn't that correct?</p> <p>23 A. That is correct.</p> <p>24 Q. Okay. Now, let's go back then to the telling</p> <p>25 us of what happened. When they were speeding out of</p>

Christopher Farley Volume 1 September 9, 2005

Page 141

1 the cul-de-sac.
 2 THE VIDEOGRAPHER: I have about two minutes.
 3 MR. BOWEN: Let's take a break.
 4 (Whereupon, a recess was taken.)
 5 Q. (By Mr. Bowen) Okay. Chris, we're back on
 6 the record. We just took a short break. The iron
 7 cross, that's the sign of the 311, right?
 8 A. Yeah, everybody portrayed it to be.
 9 Q. Okay. Everybody that would wear it portrayed
 10 it to be the sign of 311?
 11 A. Yeah.
 12 Q. Okay. Now, let's go back then to real quick
 13 when you're out on the street. You go over the wall,
 14 you said you went over what, first?
 15 A. Second.
 16 Q. Second, Jeff went over first, Brandon Gallion
 17 went over the wall?
 18 A. Yes.
 19 Q. You're sure about that?
 20 A. Yes.
 21 Q. How sure; 100 percent?
 22 A. I'm hundred percent sure Brandon Gallion went
 23 over.
 24 Q. Scott Morse went over the wall?
 25 A. Yeah. The whole thing was, the whole Scott

Page 142

1 Morse thing is I've always been able, I know there was
 2 a fourth person, I know a hundred percent sure there
 3 was a fourth person, but I have never been able to say
 4 who it was because they were always behind me.
 5 Q. Well, let's go back and find out what you
 6 know.
 7 A. Okay.
 8 Q. When you were going towards the wall you see
 9 Scott Morse going towards the wall?
 10 A. No.
 11 Q. Why did you say Scott Morse went over the
 12 wall then?
 13 A. Because as I was going over the wall to
 14 glance back the person who I swore I seen was Scott
 15 Morse.
 16 Q. Okay, so let's just, I'm just going to ask
 17 you flat out. You tell me yes or no. You either know
 18 or you don't know.
 19 A. Okay.
 20 Q. When you glanced back did you see Scott Morse
 21 over the wall?
 22 A. Yeah.
 23 Q. Okay. Now, when the truck was coming down
 24 the road, that's the white Tacoma, I think it was?
 25 A. Yes.

Page 143

1 Q. Is that your recollection?
 2 A. Yes.
 3 Q. Okay. The white Tacoma. Now, there's been
 4 an indication in through a statement of another to the
 5 police that there was a brown car in a lane by or near
 6 the white Tacoma. Did you ever see another car other
 7 than the red --
 8 A. No.
 9 Q. -- Mustang and the green?
 10 A. Those are the only three vehicles I seen.
 11 Q. Okay. You saw that white Tacoma?
 12 A. The red Mustang.
 13 Q. The red Mustang was directly behind the white
 14 Tacoma?
 15 A. No, the green Jeep was.
 16 Q. Green Jeep was, then the red Mustang?
 17 A. Yes.
 18 Q. Any question about it that they were chasing?
 19 A. No, there was no question about it.
 20 Q. They were going fast, weren't they?
 21 A. They were going fast.
 22 Q. Would you say in fact when you were standing
 23 on that the sidewalk, you could hear the white Tacoma
 24 coming?
 25 A. Oh, yeah.

Page 144

1 Q. You could hear the engine revving?
 2 A. You could hear them, yeah.
 3 Q. They were hauling?
 4 A. Wide open.
 5 Q. They were wide open. And the Mustang was
 6 going wide open and so was the green Jeep, wasn't it?
 7 A. Yeah.
 8 Q. Who was in the green Jeep?
 9 A. I don't recall who was driving.
 10 Q. It was Brandon Gallion's, I mean Brad
 11 Aguilar's Jeep, though, right?
 12 A. It was his Jeep, yes.
 13 Q. Okay. Do you know who was in the red
 14 Mustang? Did you see him?
 15 A. I don't recall who was in it.
 16 Q. That was Mikey Arnold's Mustang?
 17 A. That was Mikey Arnold's Mustang.
 18 Q. After you got out in the street you had a
 19 short period of time, didn't you, to think about and
 20 hear the truck coming down the road, didn't you?
 21 A. It was like only 45 seconds. It was a short
 22 time, yes. Yes, your answer is yes, yes.
 23 Q. How many rocks did you pick up?
 24 A. Just one.
 25 Q. How big was it?

36 (Pages 141 to 144)

Christopher Farley Volume 1 September 9, 2005

Page 145	Page 147
<p>1 A. I'd say no bigger than a half dollar coin.</p> <p>2 Q. That's it?</p> <p>3 A. That was it.</p> <p>4 Q. Okay. Which hand did you pick it up in?</p> <p>5 A. Right arm.</p> <p>6 Q. Did you throw it overhand or underhand?</p> <p>7 A. Overhand.</p> <p>8 Q. Overhand. Right towards the truck?</p> <p>9 A. I threw it at the passenger door.</p> <p>10 Q. At the passenger door?</p> <p>11 A. Yeah.</p> <p>12 Q. Did it hit the passenger's side of the truck?</p> <p>13 A. Yes.</p> <p>14 Q. Where did it hit?</p> <p>15 A. I'd say back towards the end of the tailgate.</p> <p>16 Q. You heard it hit the truck?</p> <p>17 A. Well, I seen, you know, my size rock go</p> <p>18 bouncing. I couldn't tell you if I hit it or not</p> <p>19 because there was so much between the tires screeching,</p> <p>20 you know, glass breaking, the car driving. You</p> <p>21 couldn't hear it hit the car.</p> <p>22 Q. But by the way that you saw it glance off</p> <p>23 direction --</p> <p>24 A. Yeah.</p> <p>25 Q. -- when the truck passed you thought it hit</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. Did you see a rock come from anywhere</p> <p>3 else around the truck?</p> <p>4 A. A rock, there was a rock thrown from Jeff</p> <p>5 Hart. I saw him throw one.</p> <p>6 Q. You saw him throw one?</p> <p>7 A. I saw him throw a rock.</p> <p>8 Q. Did he throw it overhand or underhand?</p> <p>9 A. It was, I wouldn't really call it an</p> <p>10 overhand, but it wasn't underhand. It was more of a,</p> <p>11 like a lob kind of, you know.</p> <p>12 Q. Show me what you saw.</p> <p>13 A. Like it would be if somebody was throwing a</p> <p>14 heavier object than they could throw, like a baseball,</p> <p>15 they couldn't throw it around at full speed.</p> <p>16 Q. Like a shot put?</p> <p>17 A. Yes. Like a shot put is a perfect way to say</p> <p>18 it.</p> <p>19 Q. Okay. And you saw Jeff Hart throw one rock?</p> <p>20 A. One rock.</p> <p>21 Q. What happened to it?</p> <p>22 A. It nailed the windshield.</p> <p>23 Q. It went through the windshield, right?</p> <p>24 A. Yes.</p> <p>25 Q. You heard glass break and shatter?</p>
Page 146	Page 148
<p>1 the truck?</p> <p>2 A. What I seen it hit the passenger tailgate.</p> <p>3 Q. Okay. Did you see any other objects, beers,</p> <p>4 rocks, anything else hit the truck?</p> <p>5 A. I seen four other rocks, I mean, three other</p> <p>6 rocks, four adding mine, hit the vehicle and that was</p> <p>7 all it hit.</p> <p>8 Q. All right. Now, there were three people that</p> <p>9 you know for sure --</p> <p>10 A. Yes.</p> <p>11 Q. -- that was on the passenger's side of the</p> <p>12 Tacoma.</p> <p>13 A. It was me and Brandon on the passenger, Jeff</p> <p>14 Hart was on the driver's side.</p> <p>15 Q. And then there was the person behind you</p> <p>16 which you looked and saw --</p> <p>17 A. Yes.</p> <p>18 Q. -- was Scott Morse; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. All right. Now, did you see a rock come from</p> <p>21 behind you towards the Tacoma truck?</p> <p>22 A. No.</p> <p>23 Q. Okay. Could it have come that way or you</p> <p>24 looked and if it would have come you would have seen</p> <p>25 it?</p>	<p>1 A. Glass break everywhere, you know. You could</p> <p>2 hear it, see it.</p> <p>3 Q. In fact, it caused the white Tacoma truck to</p> <p>4 hit the brakes, squeal the tires?</p> <p>5 A. It started sliding and then.</p> <p>6 Q. Almost hit the median?</p> <p>7 A. Yes.</p> <p>8 Q. They almost crashed and rolled it, didn't</p> <p>9 they?</p> <p>10 A. I wouldn't say rolled it, but they almost hit</p> <p>11 the median. They would have just drove up and went</p> <p>12 into rocks and everything, but yeah, they almost</p> <p>13 crashed.</p> <p>14 Q. Okay. And then did you see any rocks above</p> <p>15 you up the street come towards the white Tacoma?</p> <p>16 A. No.</p> <p>17 Q. On your side of the street?</p> <p>18 A. Just, I didn't see, nothing came from behind</p> <p>19 or just, the only thing I seen thrown at the vehicle</p> <p>20 was what me, Brandon and Jeff threw.</p> <p>21 Q. Okay. Where was Brandon standing in relation</p> <p>22 to you?</p> <p>23 A. Three feet in front of me.</p> <p>24 Q. Okay. Did you see Brandon throw a rock?</p> <p>25 A. Yes.</p>

37 (Pages 145 to 148)

Christopher Farley Volume 1 September 9, 2005

Page 149	Page 151
<p>1 Q. Not a beer bottle, a rock?</p> <p>2 A. Not a beer bottle, a rock.</p> <p>3 Q. All right. Now, were there people standing</p> <p>4 up on the wall, or sitting up on the wall?</p> <p>5 A. I don't recall. It was, the wall was to my</p> <p>6 back left, so I wasn't paying attention to what was</p> <p>7 back there. I was watching the road.</p> <p>8 Q. Once you threw your rock did you turn and</p> <p>9 run?</p> <p>10 A. Once I threw the rock, no. I watched the</p> <p>11 vehicle go down, turn to my right, and then after the</p> <p>12 car started taking off again, and then I just turned</p> <p>13 around and got over the wall, but by the time I turned</p> <p>14 around no one was on the wall.</p> <p>15 Q. Bryan Bushy was over the wall, or on top of</p> <p>16 the wall, wasn't he?</p> <p>17 A. No. I didn't see that.</p> <p>18 Q. You didn't see him?</p> <p>19 A. No, I didn't.</p> <p>20 MR. ATKINSON: Objection, misstates evidence.</p> <p>21 MR. SQUIRES: Join in.</p> <p>22 Q. (By Mr. Bowen) Okay. So you go back over</p> <p>23 the wall. Who did you see go back over the wall?</p> <p>24 A. I was the first one back over the wall.</p> <p>25 Q. When you got back over the wall did you look</p>	<p>1 Q. Did you see Chelsea Hammock?</p> <p>2 A. No.</p> <p>3 Q. Did you see Bonnie Smith?</p> <p>4 A. No.</p> <p>5 Q. You knew who they were, right?</p> <p>6 A. Yes.</p> <p>7 Q. Did you see Bonnie Smith's Jeep, the one that</p> <p>8 got rammed where Chelsea Hammock was standing?</p> <p>9 A. I had seen, after I came over the wall, no,</p> <p>10 because I was going a different direction from the</p> <p>11 vehicle.</p> <p>12 Q. All right. Now, on your way in the truck you</p> <p>13 got a cell phone call, right?</p> <p>14 A. It was after I dropped off Mark, yes.</p> <p>15 Q. Did you make any calls?</p> <p>16 A. No.</p> <p>17 Q. You didn't call anybody?</p> <p>18 A. No.</p> <p>19 Q. Did you hear what happened as far as after</p> <p>20 the white Tacoma truck left, where they went?</p> <p>21 A. No.</p> <p>22 Q. You had just heard later from Ashley</p> <p>23 Erickson?</p> <p>24 A. That they went to the hospital and one of</p> <p>25 them was seriously hurt.</p>
Page 150	Page 152
<p>1 back at the wall or did you just keep going straight?</p> <p>2 A. I went straight to Mark, got in my truck and</p> <p>3 left. I didn't talk to anybody. I was out of there</p> <p>4 fast.</p> <p>5 Q. You knew that there was serious problems.</p> <p>6 A. Yes.</p> <p>7 Q. What were people saying? What did you hear?</p> <p>8 A. People were cheering, "Yeah, we got them. We</p> <p>9 fucked up the truck."</p> <p>10 Q. People were cheering?</p> <p>11 A. Yeah.</p> <p>12 Q. And they were saying we what?</p> <p>13 A. "We fucked up the truck."</p> <p>14 Q. Who was saying that?</p> <p>15 A. I couldn't tell you who was saying that.</p> <p>16 Q. Who did you observe cheering?</p> <p>17 A. Not like up and down jumping around with your</p> <p>18 arms in the air cheering, but you could hear like,</p> <p>19 "Yeah, we got them." I didn't see who said it. You</p> <p>20 know, I was bee lining straight for my truck.</p> <p>21 Q. And so you went directly to your truck?</p> <p>22 A. Yes.</p> <p>23 Q. Did you see Scott Morse when you came back</p> <p>24 over the wall?</p> <p>25 A. No.</p>	<p>1 Q. Okay. Did you hear about anybody going to a</p> <p>2 Vons shopping center or a parking lot meeting?</p> <p>3 A. No.</p> <p>4 Q. Or a Del Taco? Did you hear anybody going to</p> <p>5 a Del Taco meeting?</p> <p>6 A. No.</p> <p>7 Q. You weren't there?</p> <p>8 A. Nope.</p> <p>9 Q. Okay. 311, if I understand correctly the 311</p> <p>10 stands for the third, three times the 11th letter of</p> <p>11 the alphabet; is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. KKK?</p> <p>14 A. Yes.</p> <p>15 Q. So 311 Boyz stands for KKK boys, right?</p> <p>16 A. Yeah.</p> <p>17 Q. That's correct?</p> <p>18 A. Yes.</p> <p>19 Q. And that was a group of people that you</p> <p>20 associated with; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And that was the people that went to</p> <p>23 Centennial High School and others?</p> <p>24 A. It was all basically Centennial High School.</p> <p>25 Q. How did that start? How did you understand</p>

38 (Pages 149 to 152)

Christopher Farley Volume 1 September 9, 2005

Page 153	Page 155
<p>1 that originated?</p> <p>2 A. It ended up one day at a party, everybody</p> <p>3 always ended up seeing the same people at the same</p> <p>4 parties and they're always, "Hey, what's up? I seen</p> <p>5 you at the last one." Then they started getting to</p> <p>6 know each other and then, "Oh, you know him? Cool, I</p> <p>7 know him, too," you know, "from school. We do this."</p> <p>8 And then eventually one day, I think it was T. J.</p> <p>9 Carter who ended up just saying 311 Boyz. And</p> <p>10 everybody says, well, that's cool, you know, because</p> <p>11 everybody tried to act like they were racist, you know.</p> <p>12 We all rode dirt bikes, off road trucks. Everybody,</p> <p>13 you know, everybody wanted to be the racist white guys.</p> <p>14 Q. What do you mean by everybody?</p> <p>15 A. Like just everybody, you know. I'll even say</p> <p>16 it was me, too, also. Everybody wanted to just, you</p> <p>17 know.</p> <p>18 Q. Beat some ass?</p> <p>19 A. Not, no. I wouldn't say beat, everybody</p> <p>20 tried to act like they were racist. You know, when it</p> <p>21 came down to it, nobody really was, but it just, so</p> <p>22 everybody started calling themselves like the 311 Boyz.</p> <p>23 Q. Who was a part of the 311 Boyz other than</p> <p>24 you?</p> <p>25 A. It was, you know, the main kids, you know, I</p>	<p>1 Q. Okay. So let me go through it real quick. I</p> <p>2 don't know what I did with my little sheet here. Jeff</p> <p>3 Hart?</p> <p>4 A. Yes.</p> <p>5 Q. Gallion brothers?</p> <p>6 A. Yes.</p> <p>7 Q. Brandon and Anthony?</p> <p>8 A. Yes.</p> <p>9 Q. No question about that, right?</p> <p>10 A. Yes.</p> <p>11 Q. Dominic Harriman?</p> <p>12 A. No.</p> <p>13 Q. No, you didn't really consider him?</p> <p>14 A. No.</p> <p>15 Q. Okay. Chris Morgan, though; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Jar Red, yes or no? Hung out with him, but</p> <p>18 you don't?</p> <p>19 A. I would say no.</p> <p>20 Q. Okay. All right. Now, what about Mikey</p> <p>21 Arnold? Yeah? Mikey Arnold?</p> <p>22 A. Yeah.</p> <p>23 Q. Little Mikey, 311 Boy?</p> <p>24 A. Yeah, little Mikey.</p> <p>25 Q. Is that correct?</p>
Page 154	Page 156
<p>1 really don't know how to, I don't know how to answer</p> <p>2 that question because nobody really went out and got, a</p> <p>3 few kids did, but nobody really got tat 311 Boyz.</p> <p>4 Q. Well, who were the people --</p> <p>5 A. And I don't know who really considered</p> <p>6 themselves a 311 Boy.</p> <p>7 Q. Well, let me just ask you. And this is your</p> <p>8 opinion. Who did you consider the 311 Boyz? Just let</p> <p>9 me go through some names. I mean, you considered T. J.</p> <p>10 Carter a 311 Boy, didn't you?</p> <p>11 A. Yeah, and there was --</p> <p>12 Q. And you considered Mark Herman a 311 Boy?</p> <p>13 A. Yeah.</p> <p>14 Q. Is that right?</p> <p>15 A. Steven Gazlay.</p> <p>16 Q. Steven Gazlay, Scott Morse, Mat Costello,</p> <p>17 correct?</p> <p>18 A. Mat Costello, me.</p> <p>19 Q. Morse?</p> <p>20 A. Brad Aguilar.</p> <p>21 Q. Morse?</p> <p>22 A. Morse.</p> <p>23 Q. Okay, and Aguilar. Who else did you say?</p> <p>24 A. I, basically everybody that was involved in</p> <p>25 this incident, yes, so.</p>	<p>1 A. Yeah.</p> <p>2 Q. Okay. Did you ever, strike that.</p> <p>3 MR. BOWEN: Okay. I am going to, because I'm</p> <p>4 going to reserve my right to continue asking you some</p> <p>5 more questions, but I understand you've got to leave at</p> <p>6 4:20 to get you back, right?</p> <p>7 THE WITNESS: Yes.</p> <p>8 MR. BOWEN: You've got to check in by 5:00,</p> <p>9 right?</p> <p>10 THE WITNESS: Yes, I do.</p> <p>11 MR. BOWEN: I'm going to go ahead and pass</p> <p>12 you on to Mr. Skaggs, see if anybody wants to ask some</p> <p>13 questions today and then we'll continue your deposition</p> <p>14 later on if we need to, okay?</p> <p>15 THE WITNESS: Okay.</p> <p>16 MR. BOWEN: I reserve my right to do that.</p> <p>17 Thank you, Chris. Appreciate your testimony.</p> <p>18 CROSS-EXAMINATION</p> <p>19 BY MR. SKAGGS:</p> <p>20 Q. Chris, I'm Kerry Skaggs. I introduced myself</p> <p>21 earlier. I represent Craig Lefevre and his parents in</p> <p>22 this litigation. I want to pick up where you left off</p> <p>23 about the 311 Boyz and the iron cross. Why was the</p> <p>24 iron cross a symbol used by the 311 Boyz?</p> <p>25 A. Everybody wore it. It was a No Fear symbol.</p>

39 (Pages 153 to 156)

Christopher Farley Volume 1 September 9, 2005

Page 157

Page 159

1 Everybody shopped at No Fear. Everyone wore Dickies.
 2 Everybody was always wearing something with an iron
 3 cross on it, either a hat, a belt, a shirt, pants.
 4 Everything had it on it.

5 Q. The night of this incident, July 18th, 2003
 6 you were wearing an iron cross belt buckle.

7 A. Yes.

8 Q. How many others did you see at that party
 9 with iron crosses, either tattooed on them or wearing
 10 it in some form or fashion?

11 A. I don't recall.

12 Q. Do you know anything about the history of the
 13 iron cross as it relates to its use by Adolph Hitler in
 14 Nazi Germany?

15 A. I know it goes back to the Maltese cross. I
 16 know it's a German war symbol, but that's all I really
 17 know about it.

18 Q. Were you wearing iron crosses because of this
 19 racist posture that you guys had adopted?

20 A. No, I just, I always thought they were cool.
 21 Just like the look of them. I like the shape. Some
 22 was because I wanted to be like hey, look at me, I'm
 23 racist, but that wasn't all of it.

24 Q. You were asked about other people that were
 25 considered part of the 311 Boyz and maybe you said, I

1 A. I don't, I don't know. Everybody wore Famous
 2 Stars and Straps, which is another clothing company.
 3 You know, and that's where all the stars came from. Or
 4 the nautical star, which is I guess a punk symbol or
 5 something. I don't really know.

6 Q. Okay. Well, tell me about this racist
 7 philosophy. You said you guys were either pretend
 8 racist or you were playing racist. How did that start
 9 and why did it start?

10 A. I don't, I don't really know why, who started
 11 it because we had, you know, black guys that hung out
 12 with us, we had Mexicans that hung out with us. So I
 13 don't really know how that made us racist. But it's,
 14 you know, everybody rode dirt bikes, everybody had
 15 something to do with, involved with the dirt. And that
 16 is, you know, a 90 percent populated white sport and a
 17 lot of people are racist in it and it just, I guess
 18 that's the thing nowadays to be so, you know, racist
 19 kid and, I don't know, I just.

20 Q. One person testified, I think it was Anthony
 21 Gallion, that it may have started because of some
 22 racial problems in the high school. Some white kids --

23 A. Yeah.

24 Q. -- and black kids fighting. Do you recall
 25 anything like that?

Page 158

Page 160

1 want to be sure, Brad Aguilar. Did you consider him
 2 part of the 311 Boyz?

3 A. Yeah.

4 Q. Scott Morse?

5 A. Yes.

6 Q. Bryan Bushy?

7 A. No.

8 Q. I think you mentioned, did you mention, who
 9 else did you say had a star tattoo on their arm?

10 A. Mark Herman.

11 Q. Mark Herman?

12 A. It wasn't a Maltese cross, it just a yellow
 13 and red star. They were just, they were dumb, you
 14 know.

15 Q. On both of his biceps?

16 A. He has a yellow one on his right and I think
 17 a red one on his left.

18 Q. Were you aware Jeff Hart also has a similar
 19 tattoo on one of his arms?

20 A. He, before he didn't, but when I saw him in
 21 the County I see he had flames and a star on his elbow
 22 and some other thing on his shoulder, a flag or
 23 something, but I don't know what it was.

24 Q. Did the star on the elbow have any
 25 significance?

1 A. Yes, I do. They had, Centennial did have a
 2 problem between the whites and the blacks. They
 3 actually had to get a gang unit brought to the school.
 4 They would always, you know, be watching the parking
 5 lot because a lot of problems would happen and that
 6 could have escalated the problem.

7 Q. Did this all occur before this incident of
 8 July 18th?

9 A. Yes.

10 Q. 2003?

11 A. Yes.

12 Q. Were the administrators at Centennial High
 13 School aware of the 311 Boyz before this incident of
 14 July 18th, 2003?

15 A. I don't recall. They may have been. I don't
 16 know. I don't know what has gone through them.

17 Q. Do you know if anyone in the 311 Boyz as you
 18 considered it was ever interviewed by the police or
 19 school administrators about their involvement in this
 20 gang prior to July 18th, 2003?

21 A. I don't, I don't recall.

22 Q. Okay. You were asked some questions about,
 23 is it Chelsea Hambrick? Is that her name?

24 A. Chelsea Hammock?

25 Q. Hammock?

40 (Pages 157 to 160)

Page 161	Page 163
<p>1 A. Yes.</p> <p>2 Q. And you were aware that her dad was a police</p> <p>3 officer?</p> <p>4 A. Yes, I was.</p> <p>5 Q. After this rock throwing attack on Tanner,</p> <p>6 Craig and Joe, did you ever see Officer Hammock show up</p> <p>7 at the scene?</p> <p>8 A. No, I didn't.</p> <p>9 Q. Were you aware that he was there that night?</p> <p>10 A. No, I wasn't.</p> <p>11 Q. Did you have any involvement in the criminal</p> <p>12 trial of Scott Morse?</p> <p>13 A. I did go testify. Other than that, that was</p> <p>14 it.</p> <p>15 Q. Involving your testimony in Scott Morse's</p> <p>16 criminal trial, was it substantially similar to what</p> <p>17 the testimony you have given today or was it different?</p> <p>18 A. It was the exact same thing.</p> <p>19 Q. Did you testify that you saw Scott Morse</p> <p>20 throw a rock in that truck?</p> <p>21 A. I testified I had seen him at the party.</p> <p>22 I've never, I've never until this day seen the person</p> <p>23 behind me throw the rock, so I was never able to give</p> <p>24 that information.</p> <p>25 Q. Let me ask about that. You're confident Jeff</p>	<p>1 seen four rocks. I don't know who threw the fourth</p> <p>2 one.</p> <p>3 Q. Do you have any reason to believe that Scott</p> <p>4 Morse did not throw that rock?</p> <p>5 A. No, I don't.</p> <p>6 Q. Did you ever discuss racist beliefs or</p> <p>7 philosophies with Scott Morse prior to July 18th, 2003?</p> <p>8 A. No, I didn't.</p> <p>9 Q. Are you familiar with the music of the 311</p> <p>10 Boyz?</p> <p>11 A. Yeah.</p> <p>12 Q. How would you describe their type of music?</p> <p>13 A. They're --</p> <p>14 MR. ATKINSON: Sorry, Counsel, are you</p> <p>15 referring to --</p> <p>16 MR. SKAGGS: The 311.</p> <p>17 MR. ATKINSON: The music group 311 or the 311</p> <p>18 as the defendants are considered?</p> <p>19 MR. SKAGGS: I think it's clear.</p> <p>20 Q. (By Mr. Skaggs) Do you understand the</p> <p>21 question?</p> <p>22 A. The musical.</p> <p>23 Q. Yeah.</p> <p>24 A. They're like laid back, not really rock and</p> <p>25 roll. Just, I don't really know what to call it. It's</p>
Page 162	Page 164
<p>1 Hart threw a fairly large rock that --</p> <p>2 A. Yes.</p> <p>3 Q. -- smashed through the windshield.</p> <p>4 A. Yes.</p> <p>5 Q. You're sure, a hundred percent sure you threw</p> <p>6 a rock about the size of a quarter or silver dollar?</p> <p>7 A. It was probably like, you know, just, not big</p> <p>8 enough to where I'd have to hold it like that, just, I</p> <p>9 could actually close my hand around it.</p> <p>10 Q. Okay. And you're confident that made contact</p> <p>11 with the white truck?</p> <p>12 A. Yes.</p> <p>13 Q. And you're a hundred percent sure that</p> <p>14 Brandon Gallion threw a rock?</p> <p>15 A. Yes.</p> <p>16 Q. And there was a fourth rock thrown?</p> <p>17 A. There was a fourth rock thrown.</p> <p>18 Q. And there were four of you across the wall?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know who would have thrown that fourth</p> <p>21 rock?</p> <p>22 A. No.</p> <p>23 Q. If it were not Scott Morse?</p> <p>24 A. No, I don't. I don't, Brandon could have had</p> <p>25 two in his hand. I know there was four rocks. I'd</p>	<p>1 something I would listen to if I was just hanging out</p> <p>2 at the house with a bunch of, you know, a few friends</p> <p>3 watching, you know, playing video games or something as</p> <p>4 background music.</p> <p>5 Q. You ever heard of a type of music called ska,</p> <p>6 S-K-A?</p> <p>7 A. I've heard of it, but I've never been into</p> <p>8 it.</p> <p>9 Q. What's your understanding of ska music?</p> <p>10 A. Sort of like, I may be wrong, but I think of</p> <p>11 it as the same thing as sort of like emo or something</p> <p>12 or, I don't really like that kind of music.</p> <p>13 Q. Do you have an understanding as to whether or</p> <p>14 not ska music is affiliated with racist groups like</p> <p>15 skinheads?</p> <p>16 A. I don't recall.</p> <p>17 Q. Okay. You mentioned at this party you were</p> <p>18 wearing what you typically wore, I believe, which was</p> <p>19 blue jeans and white T-shirt.</p> <p>20 A. Yeah.</p> <p>21 Q. And did you often see several of your friends</p> <p>22 including those that you were considering members of</p> <p>23 311 Boyz wearing similar outfits that summer?</p> <p>24 A. No. I was really the only one, you know,</p> <p>25 people would make fun of me, say I would probably be</p>

Christopher Farley Volume 1 September 9, 2005

Page 165

1 off with Grease or something, that movie. But
 2 everybody, no, mainly people wore Dickies, you know.
 3 That was the main thing. I was always the off kind of
 4 kid wearing my own thing.

5 Q. You were asked about something called a wife
 6 beater T-shirt which you described as a, basically a
 7 tank top, white T-shirt, right?

8 A. Yes.

9 Q. Did you often see members of the 311 Boyz
 10 wearing white tank top T-shirts during the summer of
 11 2003?

12 A. Yes.

13 Q. Did they often wear their hair close, closer
 14 than what you're wearing today?

15 A. Excuse me.

16 Q. That's all right. Take a drink if you need
 17 to.

18 A. A lot of kids would have their hair spiked,
 19 you know, a little bit longer than this.

20 Q. Help yourself to the water. Take your time.
 21 we only have a few more minutes, then we're going to
 22 let you go.

23 A. Okay.

24 Q. I've seen video for instance, of Anthony
 25 Gallion and I think Mark Herman of that summer of 2003

Page 167

1 the rock at Lefevre's vehicle. Farley said he threw
 2 the rock because Lefevre ran over one of Farley's
 3 friends at the party." Let me pass that down, have you
 4 look at that. Read it, tell me if I misspoke and then
 5 I'm going to ask you some questions about it,
 6 Mr. Farley. Just let me know when you're ready to
 7 discuss that.

8 A. Okay.

9 Q. Did you hit anything that evening with your
 10 right hand?

11 A. Yes, I did. I actually, I was known for
 12 hitting my truck. If you always looked at the tailgate
 13 it had massive dents in it. You know, I would get, you
 14 know, yeah. I was always, and I did, I hit my truck
 15 because I had just gotten into a fight with that girl,
 16 Courtney.

17 Q. So you hit that truck before you went over to
 18 Lefevre's truck and sat on the tailgate?

19 A. Yes, I had hit the truck before I even
 20 started smoking my cigarette. It was like right as she
 21 was leaving.

22 Q. Okay. Well the statement, though, the
 23 statement says, "Farley said that he hit a truck at the
 24 party." Did you tell the officer that you hit your
 25 truck?

Page 166

1 and they were often wearing wife beater white T-shirts.
 2 They were often wearing their hair cut very closely,
 3 but not a buzz cut, but very closely.

4 A. Yeah.

5 Q. And they often wore long sideburns.

6 A. Yeah.

7 Q. Was there, did you have an understanding of
 8 what that look stood for?

9 A. I don't know what the side, everybody wanted
 10 the pork chop sideburns. I guess that was the cool
 11 thing, to have the big ones come out, but I don't think
 12 it ever really meant for anything.

13 Q. Do you have an understanding that skinheads
 14 sometimes adopted a very similar look?

15 A. Yeah. I had learned that the skinheads, they
 16 would shave their heads and have facial hair, but I
 17 don't recall if that's what they were going for or
 18 anything like that.

19 Q. I'm looking at an arrest report. It's your
 20 arrest report. I'll reference it as, it's been marked
 21 as an Exhibit, P as in Peter, 2145 and 2146. The
 22 officer states and I'll quote, and I'll show this to
 23 you so you can read it, "I observed swelling to the
 24 right hand of Farley when Farley said that he hit a
 25 truck at the party. Farley was asked about throwing

Page 168

1 A. I told him I had punched my truck. I told
 2 him I can even show him the dent outside in the back
 3 yard. I mean, in the front yard, but.

4 Q. Did you break any bones in your hand in doing
 5 that?

6 A. No.

7 MR. SKAGGS: I think this is probably a good
 8 place to end. We promised you we were going to let you
 9 get out of here at 4:20 so you can be home for your
 10 house arrest. We're reserving our right to finish the
 11 remainder of this deposition.

12 THE WITNESS: Okay.

13 MR. SKAGGS: We'll be in contact with you.
 14 We thank you for your cooperation.

15 THE WITNESS: Thank you.

16 (Plaintiffs' Exhibit 3 marked.)
 17 (Whereupon, the deposition was concluded at 4:30 p.m.)
 18
 19
 20
 21
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 23
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 25

42 (Pages 165 to 168)

1
2 CERTIFICATE OF DEPONENT
3 PAGE LINE CHANGE REASON
4 _____
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12 _____
13 _____
14 _____

* * * * *

15
16 I, CHRISTOPHER FARLEY, deponent herein, do hereby
17 certify and declare the within and foregoing
18 transcription to be my deposition in said action; that
I have read, corrected and do hereby affix my signature
to said deposition.

19 _____
CHRISTOPHER FARLEY, Deponent
20 STATE OF NEVADA)
SS:
21 COUNTY OF CLARK)
22 Subscribed and sworn to before me this ____ day
of _____, 2005.
23
24 _____
Notary Public

25 ///

1 CERTIFICATE OF REPORTER
2 STATE OF NEVADA)
3) ss:
4 COUNTY OF CLARK)
5 I, Rene' R. McCauley, a duly commissioned
6 Notary Public, Clark County, State of Nevada, do hereby
7 certify:
8 That I reported the deposition of
9 CHRISTOPHER FARLEY, commencing on Friday,
10 September 9th, 2005, at 1:30 p.m.
11 That prior to being deposed, the witness was
12 duly sworn by me to testify to the truth. That I
13 thereafter transcribed my said shorthand notes
14 into typewriting and that the typewritten transcript
15 is a complete, true and accurate transcription of my
16 said shorthand notes. A review of the transcript was
17 requested.
18 I further certify that I am not a relative or
19 employee of counsel of any of the parties, nor a
20 relative or employee of the parties involved in said
21 action, nor a person financially interested in
22 the action.
23 IN WITNESS WHEREOF, I have set my hand in my
24 office in the County of Clark, State of Nevada, this
25 _____ day of _____, 2005.

RENE' R. MCCAULEY, CCR NO. 326

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EXHIBIT 2

COPY

DISTRICT COURT

CLARK COUNTY, NEVADA

STEPHEN TANNER HANSEN, individually,)
CRAIG LEFEVRE, individually, JOSEPH)
GRILL, individually, CARMA MAHN and)
EDWARD MAHN, individually and/or as)
parents of STEPHEN TANNER HANSEN,)
CLARK & STACEY LEFEVRE, individually)
and/or as parents of CRAIG LEFEVRE,)
and THOMAS GRILL, individually and/or)
as parent of JOSEPH GRILL,)

Plaintiffs,)

vs.)

311 BOYZ also known as STEVEN GAZLAY,)
individually; JEFF HART, individually)
CHRISTOPHER FARLEY, individually;)
MATTHEW COSTELLO, individually;)
BRANDON GALLION, individually; ANTHONY)
GALLION, individually; SCOTT MORSE,)
individually; ERNEST BRADLEY AGUILAR,)
individually; DOMINIC HARRIMAN,)
CHRISTOPHER MORGAN, individually;)
BRIAN BUSHY, individually; JARED ROSE,)
individually; MIKE ARNOLD,)
individually; and all as members of)
the 311 BOYZ; LES ROSE, individually)
and as Parent of Jared Rose; MICHAEL)
FLANK, individually; BRENDA FLANK,)
individually; HELEN CONSTANIDES,)
individually; TERRIBLE HERBST, INC.,)
a Nevada corporation; BRET E. HART,)
CHRISTINA R. HART and RITA HART,)
Individually and as parents of JEFF)
HART; MARK COSTELLO, LORRAINE)
COSTELLO, Individually and as parents)
of MATT COSTELLO; DONALD GALLION and)
LETICIA (TISHA) GALLION, Individually)
and as Parents of BRANDON AND ANTHONY)
GALLION; ERNEST SUNDERLIN AGUILAR AND)

DEPOSITION OF BRET HART

1 ELIZABETH S. SMITH, Individually and)
as Parents of ERNEST BRADLEY AGUILAR;)
2 AND LAURA BUSHY, Individually and as)
Parent of BRIAN BUSHY; "MR. AND MRS.)
3 MORGAN", Individually and as Parents)
of CHRISTOPHER MORGAN and CANYON)
4 TERRACE COMMUNITY ASSOCIATION, DOES 17)
through 100; and ROE CORPORATIONS)
5 2-10,)
6 Defendants.)
7)
8)
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DEPOSITION OF BRET HART

Taken on Tuesday, May 16th, 2006

At 4:25 p.m.

At 2300 West Sahara Avenue, #770

Las Vegas, Nevada

REPORTED BY: RENE' R. MCCAULEY, CCR 326

1 MR. SHREVE: Sure. If you want to obtain
2 that from the attorney, it's with attorney client
3 privilege. So if I may, did you gain an understanding
4 what the Alford plea meant from someone other than Sean
5 Sullivan?

6 THE WITNESS: No.

7 MR. SHREVE: All right.

8 Q. (By Mr. Bowen) But you don't believe your
9 boy, Jeff, pled guilty to anything; is that correct?

10 A. I don't believe so.

11 Q. Do you believe your boy did anything wrong on
12 July 18th, 2003?

13 MR. SHREVE: Objection, form and foundation.
14 If you know, sir, you can answer.

15 THE WITNESS: I don't believe he did.

16 Q. (By Mr. Bowen) What did he tell you
17 happened?

18 A. He said he showed up to that party, he was,
19 as he was walking up the car was pulling out and hit
20 his friend as he got there and they were trying to stop
21 the car.

22 Q. Did they call the police?

23 A. No, not that I know of.

24 Q. Did you ask him why they didn't call the
25 police?

1 A. Well, no. I didn't ask him.

2 Q. Did he have a cell phone there?

3 A. No, not that I know of.

4 Q. Did he chase down the vehicle with his car?

5 A. No.

6 Q. Did he tell you why he jumped the wall?

7 A. They were trying to stop the car.

8 Q. What did he tell you he did trying to stop
9 the car?

10 A. He was out in the road.

11 Q. Doing what?

12 A. Waving his arms.

13 Q. That's what he told you?

14 A. Yes.

15 Q. Did he pick up a rock?

16 A. Nope.

17 Q. Did you hear that he picked up a rock?

18 A. Yes, I've heard that.

19 Q. Did you ask him if he picked up a rock after
20 you heard that?

21 A. Yes.

22 Q. What did he tell you?

23 A. He said he picked them up and sat them back
24 down.

25 Q. Do you know why he wouldn't answer any

1 CERTIFICATE OF REPORTER

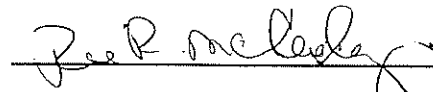
2 STATE OF NEVADA)
3) ss:
4 COUNTY OF CLARK)

5 I, Rene' R. McCauley, a duly commissioned
6 Notary Public, Clark County, State of Nevada, do hereby
7 certify:

8 That I reported the deposition of
9 BRET HART, commencing on Tuesday,
10 May 16th, 2006, at 4:25 p.m.

11 That prior to being deposed, the witness was
12 duly sworn by me to testify to the truth. That I
13 thereafter transcribed my said shorthand notes
14 into typewriting and that the typewritten transcript
15 is a complete, true and accurate transcription of my
16 said shorthand notes. A review of the transcript was
17 requested. I further certify that I am not a relative
18 or employee of counsel of any of the parties, nor a
19 relative or employee of the parties involved in said
20 action, nor a person financially interested in
21 the action.

22 IN WITNESS WHEREOF, I have set my hand in my
23 office in the County of Clark, State of Nevada, this
24 22nd day of May, 2006.

25 
RENE' R. MCCAULEY, CCR 326